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Thematic issue before the Commission: The role of men and boys in achieving gender equality

Report of the Secretary-General

Summary

The present report provides an overview of the role of men and boys in achieving gender equality. It focuses on socialization and education; the labour market and the workplace; the sharing of family responsibilities, including caring roles; and the prevention of HIV/AIDS. The report concludes with a series of recommendations for consideration by the Commission.

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I. Introduction

1. In accordance with the multi-year programme of work for 2002-2006 adopted by the Economic and Social Council in its resolution 2001/4 of 24 July 2001, the Commission on the Status of Women will review the theme "The role of men and boys in achieving gender equality" at its forty-eighth session in March 2004. The outcome of the Commission's deliberations will contribute to a global policy framework and lead to concrete action to facilitate a greater role for men and boys in furthering gender equality.

2. Over the past decade, States Members of the United Nations have emphasized the importance of the role of men and boys in achieving gender equality. In the Beijing Declaration (1995), Governments called upon men to participate fully in all actions towards gender equality and emphasized that equal sharing of responsibilities and a harmonious partnership between women and men were critical to their well-being and that of their families, as well as to the consolidation of democracy. The Beijing Platform for Action emphasized the principle of shared power and responsibility between women and men at home, in the workplace and in the wider national and international communities, as well as the principle of equality of women and men as integral to the socialization process. It stressed that gender equality could only be achieved when men and women worked together in partnerships. Specific recommendations focused on promoting harmonization of work and family responsibilities for men and women; encouraging men to share equally in childcare and household work; and promoting programmes to educate and enable men to assume their responsibilities to prevent HIV/AIDS and other sexually transmitted diseases.

3. The Platform for Action stated: "Equality between women and men is a matter of human rights and a condition for social justice and is also a necessary and fundamental prerequisite for equality, development and peace. A transformed partnership based on equality between women and men is a condition for people-centred sustainable development."[1]

4. Those recommendations were reinforced at subsequent sessions of the Commission on the Status of Women. The agreed conclusions on child and dependent care, including sharing work and family responsibilities, adopted at the fortieth session of the Commission on the Status of Women,[2] highlighted that greater participation of men in family responsibilities, including domestic work and child and dependent care, would contribute to the welfare of children, women and men themselves.

5. The outcome document of the twenty-third special session of the General Assembly, adopted in 2000,[3] identified a number of obstacles to the implementation of the Beijing Platform for Action. These included persistent gender stereotyping, which had led to insufficient encouragement for men to reconcile professional and family responsibilities, and insufficient sharing of tasks and responsibilities by men for caregiving within families, households and communities; unequal power relationships between women and men, in which women often did not have the power to insist on safe and responsible sex practices; and lack of communication and understanding between men and women on women's health needs.

6. The role of men and boys has also been addressed in other intergovernmental forums, including the International Conference on Population and Development,

held in Cairo in 1994; the World Summit for Social Development, held in Copenhagen in 1995; the twenty-sixth special session of the General Assembly on HIV/AIDS, held in New York in 2001; and the twenty-seventh United Nations General Assembly special session on children, held in New York in 2002. Those conferences highlighted the roles of men and boys in, inter alia, sharing family and household responsibilities; sexual and reproductive health; and the HIV/AIDS pandemic.[4]

7. The Programme of Action of the International Conference on Population and Development, adopted in 1994, stated:

> "Special efforts should be made to emphasize men's shared responsibility and promote their active involvement in responsible parenthood, sexual and reproductive behaviour, including family planning; prenatal, maternal and child health; prevention of sexually transmitted diseases, including HIV; prevention of unwanted and high-risk pregnancies; shared control and contribution to family income, children's education, health and nutrition; and recognition and promotion of the equal value of children of both sexes. Male responsibilities in family life must be included in the education of children from the earliest ages. Special emphasis should be placed on the prevention of violence against women and children."[5]

8. To contribute to a further understanding of the role of men and boys in achieving gender equality, the Division for the Advancement of Women of the Department of Economic and Social Affairs convened an expert group meeting in Brasilia from 21 to 24 October 2003, in collaboration with the International Labour Office (ILO), the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the United Nations Development Programme (UNDP).[6] An online discussion, convened by the Division from 30 June to 25 July 2003, also contributed information to support deliberations in the Commission on the Status of Women.

9. The present report provides an overview of the role of men and boys in achieving gender equality. It focuses on the socialization and education of boys and young men; the labour market and the workplace; the sharing of family responsibilities; care and support of older, disabled and sick persons, including those infected or affected by HIV/AIDS; and the prevention of HIV/AIDS.

II. The role of men and boys in achieving gender equality

A. Emergence of attention to the role of men and boys

10. Over the past decade the important role that men and boys can play in empowering women and achieving gender equality in the home, the community, the labour market and the workplace has become increasingly recognized. A growing body of research related to men and gender equality, addressing men's gender identities[7] and practices, has emerged. Academic journals have been established, research conferences have been held, and there is a rapidly growing international literature on the topic of men, masculinities and gender equality.

11. The attention to the role of men and boys in relation to gender equality has emerged from the significant gains made as a result of the international community's emphasis on the advancement of women. It has also been facilitated by the shift

from a focus on women to a broader focus on gender roles and the relations between women and men.

12. Achieving gender equality is recognized as a societal responsibility that concerns and should fully engage men as well as women and requires partnerships between women and men. There is a growing interest among Governments, academia, practitioners, non-governmental organizations and the private sector in the role of men and boys in promoting gender equality.

13. Men's support for gender equality has taken a variety of forms, including advocacy, alliances and campaigns, and educational programmes for young men. Projects and programmes related to working with men and boys have been implemented by institutions ranging from Governments and large international organizations to small community-based groups. Networks of men against gender-based violence have, for example, been developed in many countries and men's groups and networks are challenging existing stereotypes and addressing men's roles and responsibilities in sexual relationships, as well as in the promotion of gender equality.[8]

14. Men and boys have much to gain from increased gender equality, as they pay significant costs in terms of quality of life from the way gender relations are currently defined and practised. In many contexts men may feel oppressed by the need to be competitive and ambitious, to avoid talking about their emotions, and to spend much time away from home while their children are growing up.[9] Men are likely to benefit from broad social and cultural changes associated with gender equality. Less rigid stereotyping of masculinity can increase options for men and yield benefits in mental health and psychological well-being for men and boys. A move towards gender equality is likely to improve overall social inclusion, with benefits for men and boys as well as women and girls.[10]

15. Men should lead the change process towards gender equality by fostering increased understanding of the gains for themselves as individuals and as a group, as well as the gains for society. This requires identifying the constraints they face as men under the current definitions of masculinity in different contexts. Such change processes can be most effectively promoted when focused on men who are already committed to gender equality or who are open to change, for example, young men who are less firmly entrenched in their attitudes and behaviour. Such men can offer positive role models to other men and boys and provide opportunities for shifting away from the less positive aspects of dominant versions of masculinity.

16. Efforts to work with men and boys must be placed in the overall context of the promotion of gender equality. Increased support to men and boys should not mean a reduction of the necessary support to women and girls.[11]

B. Socialization and education of boys and young men

17. A better understanding of prevailing gender stereotypes and expectations about men's roles and responsibilities, and how they influence male attitudes and behaviour, as well as the ways in which boys are socialized to become men, is required for effective policies and actions on increased roles for men and boys in achieving gender equality. The way boys are socialized determines the way in which they will, as young men and adults, relate to women, to men and to gender equality.

Research has shown that changes in socialization processes should begin at an early age when values and attitudes that shape identities as women and men are being formed.[12]

18. Both mothers and fathers have a responsibility for setting examples of behaviour that promote gender equality in raising and educating boys. Boys and girls who grow up in families without strictly enforced stereotypical gender roles, that is, where the father is involved in caring for children and in domestic tasks, and the mother provides economically for households and/or holds leadership positions in the workplace or community, are more likely to be flexible in their perceptions of the roles of men and women. On the other hand, boys who observe fathers and other men treating women as inferior or being violent towards women may believe that this is "normal" male behaviour and view subordinating and undervaluing women as a mark of masculinity. Gender-based violence, which occurs across all social, economic and cultural settings, is strongly influenced by the socialization of boys and men.[13]

19. Child development is, however, complex and there are many forces for change. Other actors in society influence children's perception of ways of being a man or a woman, in addition to parents and other close relatives. These include friends and peers, schools, youth clubs and sport groups, the mass media and male-dominated groups such as the police and armed forces.

20. Across the life cycle, friends and peer groups play a significant role in defining what makes a "real" man. Masculinity is understood in many contexts as being stoic, self-reliant, tough, brave, vigorous, daring and aggressive, and in many countries men are taught that to be competitive and aggressive is "manly". In such contexts boys can be ridiculed if they show interest in caring for younger siblings, cooking or other domestic tasks, have close friendships with girls or display their emotions.

21. There is, however, significant diversity among men, shaped by local contexts and cultures, and many men act in responsible and caring ways. Men have attitudes and capacities that can be utilized to positively influence gender relations and end violence against women. While some male peer groups reinforce traditional and sexist norms, there are also male peer groups that actively promote alternative, more gender-equitable attitudes and behaviour.[14]

22. One powerful force for change is the education system, which can influence gender equality in both positive and negative ways. Schools can be important sites for positive learning about gender equality and can facilitate a shift towards a culture based on gender equality.[15] Gender-sensitive curricula, classroom discussions on gender equality, teacher education that promotes positive role models, and sensitization of school administrators and parents are critical in promoting greater contribution of men and boys to gender equality. School environments can, however, also contribute to perpetuating gender stereotypes through biases in school curricula and materials as well as teachers' attitudes and behaviour.[16]

23. Mass media, particularly advertisements that target children and youth, can play a powerful role in providing exposure to positive gender roles, or alternatively can perpetuate or exacerbate gender stereotypes. In many countries the Internet is an important space for youth socialization, which can have a negative impact, but could also be more effectively harnessed for positive change. Sports groups, while often

promoting positive aspects of teamwork, may contribute to competitive and aggressive forms of masculinity. In many parts of the world, the police and the armed forces reinforce notions of aggressive forms of masculinity associated with violence, but could also be an important venue for gender-sensitive education for men.[17] A challenge is to develop the spaces where men frequently interact as sources of more positive gender-sensitive attitudes and models of behaviour.[18]

C. Men as agents of change in the labour market and in the workplace

24. In relation to the world of work, men have an important role in promoting women's economic rights and independence, including access to employment, appropriate working conditions, control of economic resources and full participation in decision-making.

25. Securing work and earning an income is considered essential in most societies for acquiring the status of male adulthood and social recognition, and is a prerequisite for establishing a family.[19] Changes in the gender division of labour, as well as increasing unemployment, may pose challenges for men in terms of their masculine identity. Given the cultural acceptance of the role of men as the breadwinner in some contexts, the limited prospects of employment for young men may be devastating to their sense of self-worth. Unemployment and work insecurity impact negatively on the social and mental well-being of men and boys and can lead to increased violence against women.

26. In recent decades women have increasingly entered the formal labour market and have taken on more economic responsibilities. Women also predominate in the informal sector in many countries. In most parts of the world the labour market is characterized by gender inequalities in terms of wage differences and occupational segregation. At the global level, approximately 50 per cent of workers are in sex-stereotyped occupations, as a result of stereotypes and inequalities in education and training.[20] In many parts of the world, families are dependent on women's as well as men's earnings. Men have had to adjust to changes in the previously clear division of labour and responsibilities and the resulting changes in relations within the family.

27. The workplace is an arena where men can actively promote gender equality. Men can play a significant role in combating sexual harassment, particularly in contexts where such behaviour is accepted by men as normal [21] The workplace can, however, also be a major site of inequality and discrimination against women, mirroring and sometimes exacerbating existing stereotypes on the roles and contributions of women and men. Shifts in organizational culture to more positive gender relations require changes in attitudes and behaviour of both men and women at the individual level.[22] Bringing about positive change in corporations and organizations with deeply entrenched cultures of male privilege requires strong leadership from senior management levels in both the private and the public sector, where men predominantly hold organizational power. Using managerial authority and capacity for initiative is one of the most immediately available ways for men to promote workplace gender equality. Male leaders in government institutions, the corporate sector, trade unions and non-governmental organizations can provide

positive role models on gender equality by introducing fair employment practices, anti-discrimination measures and gender-inclusive decision-making.

D. Opportunities and challenges in sharing family responsibilities

28. More equitable sharing of domestic responsibilities has been highlighted as critical for ensuring the participation of women in political processes and increased access to education and training, as well as employment and income-generating opportunities. While women's access to employment has increased in many countries, in most cases men have not proportionately increased their share of domestic responsibilities. Regardless of the extent of women's involvement in paid work, they often shoulder the main responsibilities for domestic work and childcare, and care for older, disabled and sick family members. This situation has been exacerbated by the increased numbers of older persons needing care, as well as increases in working hours in some sectors, which have created greater conflicts between work and family life.

29. Frequent travel, relocation to different cities or countries, and new technologies, such as e-mail, have extended work hours and have worsened the balance between work and home life. Globalization, restructuring and downsizing have created life paths that require long hours in the workplace and have increased gender segregation in the family. In many contexts, fathers are only able to dedicate the limited time and space "allowed" by their work commitments to their families.[23]

30. There is wide recognition of the need to increase the participation of men in domestic work and family responsibilities by adopting family support policies and encouraging the reconciliation of family and working life for both men and women. Men as well as women suffer negative consequences from work/life imbalances and have much to gain from better contact with children and participation in family life.

31. By expanding the role of men to include caring for children, the more narrow definitions of masculinity can be replaced with a broader vision of the human capacity of men in family life and society in general. This requires removing the institutional and cultural barriers that currently make it difficult for men to fully engage as fathers, and by promoting policies and practices that allow for shared care. Actions required to establish an enabling environment for women and men to share these responsibilities include closing the gender pay gap and ensuring that family-friendly measures, including parental leave, part-time employment and flexible working hours, are available to both women and men.

32. Closing the pay gap between men and women is critical because wage levels can have a significant impact on family decisions regarding who undertakes care activities, particularly in low-income families. In situations where women earn less than men, it makes economic sense for the mother rather than the father to take time off from paid work or shorten their hours in order to care for their children and manage the home. Fathers may instead have to work longer hours to compensate for the loss of earnings of mothers. Reducing the gender pay gap would enable men to be more closely involved with the care of their children.[24]

33. A parental leave system open to both parents would also assist in providing incentives to fathers to stay home with their children. Sensitization of both men and women on the importance of men's greater involvement in the care of children and

domestic work may be necessary. Some countries have adopted parental leave systems in which part of the leave is only available to fathers in order to encourage greater involvement of men. Policy changes in some countries with respect to the presence of fathers at childbirth have allowed men to establish early contact with their newborns.[25]

34. It is important that men receive support from women when they assume their parental responsibilities. Studies show that the more men feel supported in the parental role, the more they tend to stay involved in the care of their children.[26] Vicious cycles can, however, develop in which men are presumed incompetent, accept that verdict and neither seek nor are given a chance to overcome their presumed incompetence. Education programmes for fathers can facilitate men's involvement in and greater responsibility for household duties and childcare.[27]

35. The emergence of family-friendly or flexible employment policies and practices in some countries is a mark of recognition, by employers and Governments, of the importance of work/home relationships. Greater availability and acceptability of part-time work, increased work flexibility in traditionally male jobs and higher compensation paid by employers for work carried out after working hours are measures that have proved to be successful in involving men in family responsibilities.[28]

36. Research has shown that the value-added for men of increased involvement in families includes better bonding and better relationships with children, leading to greater emotional maturity in men and more enjoyment of life; improved relationships between women and men; and a less burdensome and more relaxed concept of manliness, resulting in less need for emotional control.[29]

E. Promoting greater involvement of men and boys in caregiving

37. Caring roles in relation to older, sick and disabled family members have become important issues on the work/home agenda worldwide. HIV/AIDS has increased the focus on caring roles. In order to define specific policies and measures at the national level, taking into account local cultures and practices, the current involvement of men and boys in care and domestic work should be documented.

38. In countries with weak health infrastructure, the responsibility of care commonly falls on the family, and primarily on women and girls. This increases the workload of women and girls and reduces their employment, income-generating and educational opportunities.

39. Migration and urbanization have left many older women in rural areas with the responsibility of caring for their grandchildren and the sick and disabled. In recent years, the impact of HIV/AIDS has exacerbated this situation in many countries. In some countries virtually an entire generation has been lost to the disease and older women are now caring for a generation of orphans. These women frequently become wage earners in order to support their grandchildren, leading to a double work burden.[30]

40. As the pandemic progresses and more people become seriously ill, the impact on women and girls becomes increasingly devastating. School-age girls are pulled out of school to take care of the sick and to assume household responsibilities previously carried out by their mothers or to find ways to supplement family

income. This can put them at greater risk of HIV infection. The workload borne by women, in both rural and urban areas, is enormous. Men could support increased access to HIV/AIDS treatment as a means of reducing the care and support work of women and girls.[31]

41. As a result of stereotypical perceptions, caring continues to be seen as a women's domain, both in the family and as a profession. Promoting increased involvement of men and boys in care and support for older, sick and disabled persons requires challenging stereotypical gender divisions of labour and gender roles as well as increasing the value and recognition given to caring roles.

42. While gender roles in care and support are gradually changing, there is still a gap between the expectation that men should play an increased role in the family and the way in which peers, colleagues and employers view this caregiving work. Many men still perceive care work as less suitable for men than for women, and men may feel that they would lose prestige by caring for dependent relatives. Men may have difficulties in performing these tasks due to stigma, lack of confidence and cultural barriers in performing "women's work".[32] Differences in the status of women and men lead to different costs for women and men in challenging the gender division of labour. While women who perform "men's work" may be admired, men in many contexts are more likely to lose status in taking on "women's work".[33]

43. Men may need support to perceive the sharing of domestic work, child-rearing and the care and support of older, disabled and sick persons as positive and in keeping with male identities, rather than as signs of weakness or failure as a man. Men in decision-making positions with personal experiences of caregiving could serve as role models for other men and boys and contribute to increasing corporate awareness, making it easier for male workers to take time off from work to care for older, disabled and sick family members.

44. Little has been done to explicitly encourage men to play more active roles in care and support activities and to provide them with the necessary skills to carry out this role, such as the ability to actively listen, cook, clean or provide basic medical attention. Boys and young men could be encouraged to pursue formal and informal education and training in the care sector.

F. Combating HIV/AIDS through the involvement of men and boys

45. The report of the expert group meeting on "The HIV/AIDS pandemic and its gender implications", organized by the United Nations Division for the Advancement of Women in Namibia in 2000, concluded that inequality and women's disempowerment at different levels — in families, in decision-making at the community and other levels, in education, in employment and economic opportunities — can be linked to the rapid spread of HIV infection and the severe impacts on families, communities and countries.[34]

46. Until recently, population policies and demographic research focused almost exclusively on women as the target of contraception and reproductive health interventions, neglecting the role of men. Discussions on HIV/AIDS focused on women's vulnerability, while men were treated as the problem. Gradually, however, a more differentiated approach to men, emphasizing men and boys as part of the

solution, has emerged. This was illustrated by the 2000-2001 World AIDS Campaign, which proclaimed that "Men Make a Difference". An understanding of the role men play, and the role of relationships between women and men, is now increasingly informing the development of HIV/AIDS prevention strategies, including those relating to interventions such as mother-to-child transmission and violence against women.[35]

47. UNAIDS has recently established a Global Coalition on Women and AIDS, involving both the United Nations and non-governmental organizations. A global movement to mitigate the impact of AIDS on women's daily lives, the Coalition recognizes that sustained changes in the vulnerability of women and girls to HIV/AIDS will require fundamental shifts in the relationships between men and women and in the way societies view women and value their work and contributions. The Coalition emphasizes zero tolerance of violence against women, protection of the property and inheritance rights of women and girls, the importance of gender-sensitive messages regarding HIV prevention, the critical role of education, and attention to men and boys.

48. The spread of HIV and its progression to AIDS are significantly related to the unequal power relations between women and men.[36] Women and men's vulnerability to HIV/AIDS depends largely on behaviour patterns of both women and men, prevailing concepts of male and female identities, peer pressure, cultural practices and norms, modes of socialization, alcohol and drug abuse, hostile environments and violence.[37] Persistent stereotypes about masculinities and about what is appropriate and acceptable behaviour for women, particularly in relation to reproduction and sexuality, are also critical factors.[38]

49. Men's degree of susceptibility to HIV infection is determined by their specific circumstances. Work involving mobility — for example, the obligation to travel regularly and spend long periods away from spouses and partners (e.g., in transport, mining and the armed forces) may lead to use of sex as an escape. This is particularly true in the context of minimal job security, lack of control over life choices, and personal frustration and dissatisfaction. This in turn increases the risk of infection for their partners when they return home. Similarly, work in geographically isolated environments with limited social interaction and limited health facilities can involve risks, especially in single-sex working and living arrangements among men.[39]

50. Men's attitudes and behaviour can put them, as well as their partners, at risk.[40] Men's engagement in high-risk behaviour, including unsafe sex and intravenous or other drug use, may be viewed as a means to reflect an enhanced image of masculinity. Perceptions of men as tough and invulnerable also shape men's unwillingness or inability to seek help and treatment when their physical or emotional health is impaired. Such norms increase men's vulnerability to HIV and sexually transmitted infections and thus have a potentially damaging impact on women's health and well-being.[41]

51. Since major challenges in combating HIV/AIDS include the unequal power relations between women and men and the impact of societal attitudes towards men's and women's behaviour, promoting men's positive and responsible involvement in sexual and reproductive health is a key strategy for achieving gender equality. Without the active involvement of men and boys it will be difficult, if not impossible, to achieve the international goals and targets on HIV/AIDS. Men can

make important contributions to combating HIV/AIDS by striving for responsible, consenting sexual relations and by increased involvement during pregnancy, childbirth and child-rearing.

52. Addressing violence against women is a critical component in strategies to combat HIV/AIDS. Interventions have often focused on women and girls as the victims of violence, through, for example, shelters for women and children and rehabilitation programmes. Efforts need to move beyond addressing the symptoms and effects of violence to tackling the root causes. A focus on the structural causes of gender-based violence should involve a focus on men and boys and what drives them to violence. There is a particular need to target the needs of young boys for positive male role models in societies with "cultures of violence", crises of identity for men in rapidly changing societies and high prevalence of female-headed households. It is also important to change societal norms that make it acceptable for men to use violence against wives or intimate partners.

53. A number of measures to involve men and boys in combating HIV/AIDS have been identified, particularly addressing unequal power relations which are root causes of the spread of the pandemic. Peer education in schools and workplaces has proved to be an effective strategy for encouraging attitudinal and behavioural change.[42] It is also increasingly acknowledged that men can play a positive and active role in eliminating barriers to women's full participation in programmes designed to prevent mother-to-child transmission by supporting the access of HIV-positive pregnant women to safe clinics/hospitals and promoting formula feeding rather than breastfeeding by HIV-positive women.[43]

54. The media, theatre groups, videos, advice and information services and publications, including comics, are effective means for promoting more gender-equitable masculinities and reaching out to diverse groups of men and boys with varying educational and literacy levels in different settings. Campaigns that use a lifestyle social-marketing component and build on aspects of youth culture, such as music and dance, are particularly effective in reaching adolescent boys and young men.[44]

55. It is important to encourage greater dialogue on sensitive issues surrounding HIV/AIDS. Open discussion between women and men and girls and boys in schools, communities and workplaces on HIV/AIDS and its devastating effects can reduce the stigma associated with the disease. Countries where significant progress has been achieved in slowing down the spread of the epidemic offer useful lessons, in particular on how to mobilize and involve men. Men living with HIV/AIDS and men who are political leaders, community and faith leaders, musicians, football stars, among others, have led the way in speaking out about the epidemic.[45]

56. The pandemic involves huge costs for society that could be reduced by involving men and boys in the fight against HIV/AIDS. The private sector has suffered losses due to the disease and many companies now invest in education, awareness-raising, support and counselling programmes. Lessons have been learned from private sector approaches to reproductive health which can offer models for involving men in the campaign against HIV/AIDS.[46]

III. Recommendations for action

57. **Men in many contexts, through their roles in the home, the community and at the national level, have the potential to bring about change in attitudes, roles, relationships and access to resources and decision-making which are critical for equality between women and men. In their relationships as fathers, brothers, husbands and friends, the attitudes and values of men and boys impact directly on the women and girls around them. Men should therefore be actively involved in developing and implementing legislation and policies to foster gender equality, and in providing positive role models to promote gender equality in the family, the workplace and in society at large.**

58. **Where men are key decision makers and holders of economic and organizational power and public resources, they can facilitate gender-responsive policy reform and support laws designed to protect the rights of women and children. Men and boys can play a crucial role in combating HIV/AIDS and violence against women; in achieving gender equality in the workplace and the labour market; and in promoting the sharing of family responsibilities, including domestic work and care of children, and older, disabled and sick family members.**

59. **The Commission on the Status of Women may wish to transmit the report of the Secretary-General, through the Economic and Social Council, to the World Health Organization, the International Labour Conference and the Governing Body of the International Labour Office, as well as to the Programme Coordinating Board of UNAIDS.**

60. **The Commission may wish to consider recommending the following actions towards fully involving men and boys.**

A. Socialization and education of boys and young men

61. **Governments at all levels, international organizations including the United Nations, non-governmental organizations, the private sector, the media and other stakeholders should, as appropriate, take the following actions:**

(a) **Promote gender equality as a critical educational goal and outcome, alongside literacy and numeracy;**

(b) **Carry out critical reviews of school curricula, textbooks, television programmes and other educational materials at all levels, in order to eliminate gender stereotypes and strengthen ways of promoting gender equality that engage boys as well as girls;**

(c) **Undertake research on ways and means to promote changes in the attitudes and behaviour of men and boys regarding gender equality, in different social and cultural contexts, taking into account factors that reinforce unequal gender power relations;**

(d) **Develop programmes for teachers, administrative staff and other groups dealing with children and youth (for example, health and social service professionals and police), to promote ways to engage boys and young men in promoting gender equality;**

(e) Include in parent education programmes information on ways and means to rear children in a gender-equitable manner, building on existing materials and strategies;

(f) Develop programmes in schools and community contexts to provide boys and male youth with skills required for caring roles and domestic work;

(g) Develop training programmes for journalists and other media actors on the importance of the non-stereotypical portrayal of women and men and boys and girls;

(h) Encourage the transmission of positive messages on masculinities through the Internet, particularly targeted to youth and including issues of non-violence, participation in domestic work, child-rearing and household tasks and caregiving;

(i) Encourage sports groups to promote positive attitudes to gender equality and non-stereotypical male role models;

(j) Encourage the police forces and the military to promote gender equality and positive male role models through their formal and informal education processes, building on existing initiatives, such as those to prevent HIV/AIDS and gender-based violence in some armed forces;

(k) Carry out impact evaluations of efforts undertaken in schools, workplaces, the media, sport groups and the military to engage boys and men in promoting gender equality, taking into account local contexts, and use the results of the evaluations to compile and widely disseminate good practices.

B. The role of men in the workplace and the labour market, and in sharing family responsibilities

62. **Governments at all levels, international organizations including the United Nations, non-governmental organizations, the private sector, trade unions, the media and other stakeholders should, as appropriate, take the following actions:**

(a) Adopt and implement legislative, regulatory and administrative measures to reduce occupational sex segregation, in both the public and the private sectors;

(b) Adopt and implement legislation and policies to close the pay gap between women and men;

(c) Adopt and implement labour laws that are family-friendly (length of workday, accommodation for mobile workers, etc.);

(d) Develop organizational policies that promote gender-sensitive values and practices and enforced sexual harassment policies, promotion of competencies on gender equality in the workplace for all staff and dissemination of good practices;

(e) Review workplace policies for the ways they create incentives or disincentives for gender equality;

(f) Promote, including in partnerships between trade unions and employers, zero tolerance for gender-based violence and sexual harassment against both women and men at work;

(g) Carry out research on male identities and men's perceptions of appropriate male behaviour and their support for gender equality in the workplace;

(h) Support skills programmes for male youth at the point of transition from school to work, especially male youth with limited educational qualifications, in order to expand opportunities for non-traditional careers and encourage them to adopt gender-sensitive relationships, including in the workplace;

(i) Develop education and support programmes, in response to economic crisis, that support men in coping with unemployment in gender-equitable ways;

(j) Encourage the increased training and recruitment of men in caregiving occupations and early childhood education;

(k) Put in place and encourage men to take advantage of family-friendly employment policies, such as parental leave, part-time work and flexible work hours, including by creating disincentives for employers to demand overtime work;

(l) Introduce or expand parental leave policies for both men and women;

(m) Review national family law to ensure that it does not pose obstacles for men to play an active role in the lives of children and dependants;

(n) Create education programmes that develop awareness, knowledge and skills among men, including young and unmarried men, on their roles as parents or future parents and other responsibilities in the family;

(o) Develop and implement measures to increase the involvement of young fathers in the support and care of their children through programmes and schedules that facilitate care work by young fathers without breaks in study and through health services targeted to young fathers on pregnancy and early childhood;

(p) Carry out research on women's and men's patterns of sharing family responsibilities, including men's differentiated use of parental leave and flexible employment provisions and the impact of fathers' involvement, both on the children and on the their own lives;

(q) Encourage and support men in leadership positions in private and public organizations to serve as role models and endorse gender equality in their workplaces;

(r) Encourage organizations, including trade unions, to address the gap between women and men in the representation and sharing of leadership positions in their organizations;

(s) **Encourage the mass media to communicate messages that actively promote more gender-equitable relations between women and men both in the workplace and in the family.**

C. The role of men and boys in caregiving

63. **Governments at all levels, international organizations including the United Nations, non-governmental organizations, the private sector, the media and other stakeholders should, as appropriate, take the following actions:**

(a) **Develop campaigns that aim to remove stigma and cultural barriers that currently prevent certain groups of men and boys from caring for and supporting older, disabled and sick persons, in both the formal and the informal health sector;**

(b) **Develop campaigns, involving the media and prominent men as positive male role models, to increase men's involvement in HIV/AIDS care and support activities;**

(c) **Encourage health service providers and other actors in the health sector to portray men and boys as resources for the care and support of older, disabled and sick persons, and to recruit more men in this work;**

(d) **Build confidence and skills of men and boys, including through training and education, to enable them to fully participate in the care and support of older, disabled and sick persons;**

(e) **Develop training curricula for teacher training colleges, social work programmes and nursing programmes to encourage men's involvement in HIV/AIDS care and support activities in both the formal and the informal health sector;**

(f) **Encourage men to support women's full participation in programmes designed to prevent mother-to-child transmission and promote formula feeding by HIV-positive women;**

(g) **Carry out research to identify the gender differences in caregiving and its differentiated impact on women and men and families;**

(h) **Undertake evaluations of the efficacy of initiatives aimed at increasing the involvement of men and boys in care and support, and use the results to compile and disseminate widely examples of good practice.**

D. Combating HIV/AIDS through the involvement of men and boys

64. **Governments at all levels, international organizations including the United Nations, non-governmental organizations, civil society, the private sector, the media and other stakeholders should, as appropriate, take the following actions:**

(a) **Encourage the media, theatre groups, advisory and information services and male peer groups to expand awareness of HIV/AIDS and sensitize men, male adolescents and boys on the implications of male attitudes and sexual behaviour on the spread of HIV/AIDS;**

(b) Develop information campaigns that use a lifestyle social marketing component and build on aspects of youth culture, including the Internet, to reach out to adolescent boys and young men;

(c) Identify and fully utilize contexts in which a large number of men can be reached with HIV/AIDS prevention messages, at relatively little cost, including the police and armed forces, prisons, industries and sports associations;

(d) Include gender perspectives, particularly on gender-based violence, in the training curriculum of the police, military, judges and prosecutors;

(e) Mobilize and involve men in leadership positions, including political leaders, community and faith leaders, musicians, football stars and men living with HIV/AIDS, to show leadership in addressing the root causes of HIV/AIDS;

(f) Establish, in communities, schools and the workplace, opportunities for open discussions about HIV/AIDS that encourage men and women and boys and girls to talk about the sensitive issues surrounding HIV/AIDS;

(g) Initiate public debate on violence against women in the context of HIV/AIDS, utilizing media and information and communication technology, and ensuring the involvement of boys and young men;

(h) Build the capacity of Governments and civil society to develop public education, community mobilization and service provision strategies that address men and boys in the multiple roles they play in relation to sexual violence and abuse, as perpetrators, as witnesses and bystanders, and as support providers;

(i) Promote and establish paid-work patterns that do not separate male workers from their families for prolonged periods of time, or ensure access to family accommodation close to the workplace;

(j) Advocate men's condom use, using diverse media such as television soap operas, advertising campaigns and other forums, as a means of preventing the spread of HIV/AIDS, and make condoms widely available to men and boys, as well as women and girls;

(k) Sensitize and build capacity of male staff in health services, including by provision of in-service training, to enable them to serve as positive role models in promoting sexual and reproductive health, including through HIV/AIDS awareness, for both women and men;

(l) Encourage schools and teachers' unions to serve as catalysts for HIV/AIDS prevention activities, and use formal and informal channels of education to reach out to boys who are not in the formal system of education;

(m) Ensure men's participation in reproductive and sexual health services provided, including HIV/AIDS-related programmes and services, antenatal care and childcare programmes;

(n) Identify and develop indicators of success on involving men and boys in promoting gender equality, including by measuring changes in reduced rates of HIV and sexually transmitted infections and violence against women, and

use those indicators to document the effectiveness of initiatives that promote male involvement;

(o) **Identify and support the monitoring and evaluation of work at different levels to promote men's involvement in HIV/AIDS-prevention activities in order to identify good practice for replication in other contexts.**

Notes

[1] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex II, para. 1.

[2] *Official Records of the Economic and Social Council, 1996, Supplement No. 6* (E/1996/26), chap. I.C.1, agreed conclusions 1996/3.

[3] General Assembly resolution S-23/3.

[4] An overview of recommendations is available at: www.un.org/womenwatch/daw/egm/men-boys2003/language.pdf.

[5] *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex, para. 4.27.

[6] United Nations Division for the Advancement of Women, The Role of Men and Boys in Achieving Gender Equality. Report of the Expert Group meeting from 21 to 24 October 2003, Brasilia (hereafter "United Nations Division for the Advancement of Women (2003)").

[7] Masculinity and male gender identity can be defined as a set of attributes, values, functions and behaviour that are considered normal characteristics of men in a given culture. The concept differs from one society to another, depending on the sociocultural situation.

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[10] R. W. Connell, The Role of Men and Boys in Achieving Gender Equality. Working paper presented at the expert group meeting on the role of men and boys in achieving gender equality, held in Brasilia from 21 to 24 October 2003.

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[15] See Report of the Commission on the Status of Women on its forty-first session, *Official Records of the Economic and Social Council, 1997, Supplement No. 7* (E/1997/7), chap. I.C.1, agreed conclusions 1997/4, Education and training of women.

[16] R. W. Connell, op. cit., note 10.

[17] INSTRAW, op. cit., note 13.

[18] United Nations Division for the Advancement of Women, 2003.

[19] Norma Fuller, Work and Masculinity among Peruvian Urban Men. Paper presented at the expert group meeting on the role of men and boys in achieving gender equality, held in Brasilia from 21 to 24 October 2003.

[20] International Labour Office, The role of men and boys in the fight against HIV/AIDS in the world of work. Preliminary issues paper presented at the expert group meeting on the role of men and boys in achieving gender equality, held in Brasilia from 21 to 24 October 2003.

[21] Linden Lewis, Gender Tension and Change in the Contemporary Caribbean. Paper presented at the expert group meeting on the role of men and boys in achieving gender equality, held in Brasilia from 21 to 24 October 2003.

[22] James Lang, Evolving the Gender Agenda: Men, Gender and Development Organizations. Paper presented at the expert group meeting on the role of men and boys in achieving gender equality, held in Brasilia from 21 to 24 October 2003.

[23] R. W. Connell, op. cit., note 10.

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[34] United Nations Division for the Advancement of Women; The HIV/AIDS Pandemic and its Gender Implications. Report of the expert group meeting held at Windhoek from 13 to 17 November 2000.

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[39] International Labour Office, op. cit., note 20.

[40] Ibid.

[41] United Nations Division for the Advancement of Women, 2003.

[42] G. Gordon with A. Welbourn. Stepping Stones: Highlighting Male Involvement in a Gender and HIV/AIDS Training Package, in *Involving Men to Address Gender Inequities: Three Case Studies* (Washington, D.C., USAID Interagency Gender Working Group, Subcommittee on Men and Reproductive Health, 2003), chap. 3.

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Follow-up to the Fourth World Conference on Women and to the special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century": implementation of strategic objectives and action in the critical areas of concern and further actions and initiatives

Women's equal participation in conflict prevention, management and conflict resolution and in post-conflict peace-building

Report of the Secretary-General

Summary

The present report focuses on the role of peace agreements as tools for enhancing the participation of women and promoting gender equality in peace processes. Given their central role in all stages of peace processes, the report discusses opportunities for enhancing the participation of women and promoting gender equality during the negotiation phase, in the substantive content of peace agreements and in the implementation phase of such agreements. The report concludes with a series of recommendations for consideration by the Commission on the Status of Women.

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I. Introduction

1. In accordance with the multi-year programme of work for the Commission on the Status of Women for 2002-2006 adopted by the Economic and Social Council in its resolution 2001/4 of 24 July 2001, the Commission will review two thematic issues at its forty-eighth session in March 2004. The present report covers the theme of "women's equal participation in conflict prevention, management and conflict resolution and in post-conflict peace-building".

2. In order to contribute to a further understanding of the role of women and of gender equality in peace processes, the Division for the Advancement of Women convened an expert group meeting on the theme "Peace agreements as a means for promoting gender equality and ensuring participation of women — a framework of model provisions", in collaboration with the Office of the Special Adviser on Gender Issues and Advancement of Women and the Department of Political Affairs. The meeting was held at Ottawa from 10 to 13 November 2003.[1]

3. The understanding of, as well as attention to, women's role in the realization and maintenance of peace, and of the linkages between gender equality and peace have increased significantly in recent years. Given their central role and broad relevance to all stages of peace processes, the present report focuses on peace agreements as a tool for enhancing the participation of women and promoting gender equality. The report draws from the analysis of the expert group meeting, the case studies and contributions provided by the experts from various regions and representatives of United Nations entities and civil society, as well as the Secretary-General's study and report on women, peace and security.[2] Recommendations of the experts, reflected in the present report, are directed towards all actors involved at every stage of a peace process, including mediators, parties to a conflict, Governments (including transitional governments), peacekeeping forces, entities of the United Nations system and civil society. They aim to provide comprehensive and concrete guidelines to strengthen the participation of women and the integration of gender perspectives in various aspects of peace processes, including the negotiation, content and implementation of peace agreements, and in the subsequent institutional development of post-conflict societies.

II. Recent United Nations initiatives on women, peace and security[3]

4. Women's equal participation in all aspects of peace processes and attention to gender issues in such processes have been an important focus of international action, especially since the Fourth World Conference on Women and the adoption of the Beijing Platform for Action (1995). Consideration by the Commission on the Status of Women of the Platform's critical area of concern on women and armed conflict at its forty-second session in 1998, and the outcome of the twenty-third special session of the General Assembly in 2000 entitled "Women 2000: gender equality, development and peace for the twenty-first century" have given further impetus to women's full participation at all levels of decision-making in peace processes.

5. This momentum was significantly accelerated with the adoption by the Security Council of resolution 1325 (2000) in October 2000, in which the Council called upon all actors to adopt a gender perspective when negotiating and

implementing peace agreements and to address the special needs of women and girls during repatriation, resettlement, rehabilitation, reintegration and post-conflict reconstruction. The Council also called for measures to ensure the protection of and respect for women's human rights, particularly as they relate to the constitution, the electoral system, the police and the judiciary, and encouraged all those involved in the planning for disarmament, demobilization and reintegration to consider the different needs of female and male ex-combatants.

6. Since the adoption of resolution 1325 (2000), the Security Council has held several open debates on women, peace and security, as well as Arria formula meetings to inform its work on women and peace processes. It has issued presidential statements reaffirming the importance of gender mainstreaming in peacekeeping operations and post-conflict reconstruction, urging an increase in the number of women serving as special representatives or special envoys of the United Nations and encouraging Member States to establish regular contacts with local-level women's groups and networks to ensure their active involvement in reconstruction processes, particularly at decision-making levels. The Council has undertaken new measures to support women's peace initiatives, including by meeting with women's groups and networks during its field missions, for example to the Democratic Republic of the Congo, Kosovo, Liberia and Sierra Leone. Such steps are becoming a regular feature in the missions of the Council.

7. The Secretary-General's study, called for in Security Council resolution 1325 (2000) on women, peace and security, and the report, based on the study, presented to the Security Council (S/2002/1154) addressed the impact of armed conflict on women and girls, the role of women in peace-building and the gender dimensions of peace processes and conflict resolution. These two documents provided recommendations for action to ensure greater attention to gender equality at all stages of peace processes and urged that all peace agreements fully and explicitly integrate gender perspectives. Entities of the United Nations system, Governments and civil society organizations have also prepared studies and reports on these issues. The Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations of June 2000[4] were critical steps leading to the adoption of Security Council resolution 1325 (2000).

8. The Inter-Agency Task Force on Women, Peace and Security, headed by the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women, addresses the role of women in peacemaking, peacekeeping and related activities and ensures collaboration and coordination throughout the United Nations system in the implementation of resolution 1325 (2000). The Task Force also supports the Security Council in its field missions by preparing briefing notes which outline recommendations and benchmarks on gender issues for the Council's review and use throughout a mission and provides information on local and national women's organizations that may be contacted by Council members in each country. It is developing databases of women's peace NGOs and of gender specialists with conflict resolution expertise. The UNIFEM in October 2003 launched a web portal on women, war and peace which provides background information and updates on the impact of armed conflict on women and women's role in peace-building.

9. Four United Nations peacekeeping missions now have gender advisers or gender units, and the post of gender adviser for the Department of Peacekeeping

Operations at United Nations Headquarters is under recruitment. As part of a project funded by the Development Account, the Division for the Advancement of Women, in collaboration with the Centre for Conflict Resolution of the University of Cape Town, South Africa, has organized a series of regional training workshops on conflict management for women to enhance the capacity of women in peace-building and peacemaking in the Africa region. Workshops have been held in Cape Town (2001), Conakry (2002), and Kigali (2003). In April 2003, the Department for Disarmament Affairs launched its gender mainstreaming action plan to work simultaneously for disarmament and gender equality. The Committee on the Elimination of Discrimination against Women has in relevant cases expressed particular concern about violence against women in conflict situations and has made recommendations to reporting States on preventing and punishing such violations of women's rights.

10. These developments illustrate that in the short period of time since the adoption, in 2001, of the Commission's multi-year programme of work and the selection of the present topic for consideration in 2004, there has been a rapid expansion of the knowledge base concerning women's equal participation in conflict prevention, management and conflict resolution and in post-conflict peace-building. There is also increased political commitment to women's participation in peace processes and the mainstreaming of gender perspectives in all policies and programmes in the field of peace and security. At the same time, however, an analysis prepared by the Special Adviser of 264 reports of the Secretary-General to the Security Council for the period from January 2000 to September 2003 on the degree of attention to gender perspectives as required pursuant to Security Council resolution 1325 (2000) revealed that the majority of the reports made no or little mention of women or gender issues. Of the reports that did address such issues, the vast majority focused on the impact of conflict on women and girls, primarily as victims of conflict, not as potential actors in peace processes. This analysis is indicative of the need for practical tools to enhance the capacity of all actors to ensure systematic attention to the participation of women and the promotion of gender equality in all aspects of peace processes.

III. Peace agreements and their role in promoting gender equality and the participation of women[5]

A. Women's participation in peace processes

11. Peace processes encompass a wide and complex range of informal and formal activities that are conducted by a diverse range of actors. Women have long played key roles in organizing for peace and in reconciliation efforts across all conflict settings and in communities rebuilding from war. Such activities have been crucial to the continuity of civil society and are essential components of sustainable post-conflict societies. However, while women's mobilization for peace has commonly occurred alongside, and often prior to, official peace negotiations, women continue to be largely absent from formal negotiations.[6]

12. While each conflict is context-specific, as is the position of women in a particular society in conflict, a number of common aspects can nevertheless be identified that represent challenges to the promotion of gender equality and women's

participation in peace processes. The prevailing focus on formal peace processes is one such challenge. While women and women's groups undertake many informal peace initiatives and have organized to formulate their priorities for peace, these efforts are not well publicized and are rarely integrated or reflected in formal processes. Although there is increasing understanding of the important contribution of women to peace-building, they continue to be largely absent from formal processes preparatory to, and in, peace negotiations. Support for women's efforts and for capacity-building towards their effective engagement in formal peace processes by donors and the international community is often lacking, provided late or not sustained over a sufficiently long period of time to have an impact. Women may also face obstacles due to customs and traditions, as well as stereotypes that limit or narrowly define their roles in public life and decision-making.

13. As a consequence, the number of women who participate in formal peace processes remains very small. Women are conspicuously absent from internationally sponsored peace processes, where negotiating teams are dominated by the leaders of warring factions. Women are often excluded because they are not military leaders or political decision makers, or because they did not participate in the conflict as combatants. Formal or informal requirements for participation, such as membership in a clan, can effectively result in the exclusion of women and women's groups. Women are also assumed to lack the appropriate expertise to negotiate. Even when women participate or are included in formal peace negotiations, they may lack the capacity to contribute to shaping the agenda of such negotiations and may also lack an effective mandate to speak on behalf of a majority of women.[7] Lack of such a mandate may be due to lack of time or resources for undertaking necessary consultations with women's groups to consolidate a common agenda, lack of a common view among women, or lack of support from civil society and women's groups for those who do secure involvement, as participants or observers, in peace processes. International facilitators or mediators are almost always men, and few women are included in mediation teams. Expertise about the gender dimensions of a conflict is often lacking in such teams.

14. Donors have a key role in supporting women's participation in peace processes. Lack of funding for women's efforts at an early stage precludes their effective participation in setting the agenda for talks and can also constitute a significant challenge to women's capacity to sustain their involvement. Likewise, when women are not part of official delegations to peace negotiations, they may lack the resources to attend either as observers or informally. Lack of resources to ensure sustained implementation of an agreement can also lead to a loss of any gains that may have been made during negotiations or are reflected in a peace agreement. Conflict mediators likewise have a key role in ensuring attention to gender issues and women's effective participation in peace processes. Their lack of understanding or interest in gender issues, in women's roles in the society in question or in women's informal peace initiatives can lead to an effective exclusion of women and their concerns and priorities from mediated peace processes.

B. Attention to participation of women and the promotion of gender equality in peace agreements

15. Peace agreements are crucial components of peace processes. They not only signify the formal cessation of armed conflict but also provide the foundation for a

constitutional framework for sustainable peace and construction of the political, legal, economic and social structures and institutions of post-conflict societies. Their content has a direct bearing on gender equality, as a reflection of women's inclusion in formal peace negotiations and as a determinant of attention to the goal of gender equality in post-conflict peace-building. Security Council resolution 1325 (2000), in paragraph 8, highlights the importance of bringing gender perspectives to the negotiation and implementation of peace agreements.

16. Gender equality is an important social goal in itself and a crucial factor for achieving sustainable peace. If gender equality is omitted from the peace agreement, a window of opportunity is lost. Silence in a peace agreement about the position of women perpetuates and institutionalizes the marginalization of women in the political processes after the conflict and allows those implementing the peace process, including international agencies, to commence their mandates without reference to how their operations impact differentially upon women and men. Explicit language in a peace agreement to promote gender equality and women's participation can facilitate proactive implementation and ensure that the gender-specific consequences of armed conflict and the rights, needs and priorities of women and girls in the aftermath of conflict are fully addressed.

17. While attention to gender equality is a responsibility of all actors, the absence of women from the peace table results in insufficient attention to and reflection of their concerns in peace agreements. Furthermore, a peace process that fails to include women in agenda-setting, substantive talks and implementation raises questions about the democratic legitimacy of the process and lacks the inclusiveness to generate any sense of ownership among women. This can undermine the prospects for the durability of the agreement and sustainable peace.

18. A review of peace agreements indicates that issues related to gender equality and the position of women within the post-conflict society are typically excluded from peace agreements. Gender relations are rarely perceived as central to the causes of conflict and are therefore not seen as central to its resolution. Peace agreements are usually framed in gender-neutral language, that is, they are assumed to be equally applicable to, and appropriate for, the needs and priorities of both women and men within the society in question.[8]

19. In several of the most recent peace agreements there is some recognition of the gendered harms suffered by women and girls, including sexual and other violence throughout the conflict and the need to end impunity for these crimes.[9] Such recognition is contained in general statements about women's particular victimization during the war and the need to take account of their needs in post-war rehabilitation and reconstruction,[10] or the inclusion of various types of violence suffered by women in catalogues of international crimes committed in the conflict. However, there is no recognition in peace agreements of the specific priorities and concerns of women. In one example, provision is made for the reintegration of soldiers, usually men, in society,[11] but no comparable provision exists for the reintegration of survivors of rape and other forms of sexual abuse during conflict — usually women. While agreements may contain provisions concerning the establishment of truth and reconciliation mechanisms, or the prosecution of alleged war criminals in national or international criminal proceedings, they do not commonly address women's specific needs with regard to witness protection, health care and counselling services.

C. Issues of process and content to enhance participation of women and promotion of gender equality through peace agreements

20. There are numerous variables to a conflict and every peace process and peace agreement is context-specific. At the same time, opportunities and obligations can be identified for all actors concerned at each of the three stages of peace processes — the negotiation phase, the content of the agreement itself, and the implementation phase — to enhance attention to gender equality and the participation of women.

1. The negotiation phase

21. The quality of the preparatory stages leading up to peace negotiations, as well as the negotiations themselves, is central to the sustainability of the ensuing peace agreement. Steps must be taken during that phase to reach out to current and potential women leaders and to enable women's associations to participate in the various formal and informal negotiation stages by supporting activities such as national consultations and the formation of networks as well as capacity-building. All parties to the process, including international actors, require capacity to address the gender dimensions of all aspects of the peace process, and also must ensure the equal and effective participation of women in their delegations. Mediators and their teams, irrespective of the designation used, or whether they derive their authority from an international, regional or bilateral mandate, play a critical role in the negotiation process and should guarantee women's effective participation, as well as attention by all parties concerned to gender equality issues.

2. The content of a peace agreement

22. Gender neutrality and a lack of provisions in peace agreements with respect to women's rights, concerns and priorities as well as a lack of related gender-specific language can seriously harm the active participation of women in the post-conflict transformation of society and reduce the opportunity for the promotion of gender equality and thus the achievement of substantive equality.[12] The relevant provisions of the Beijing Platform for Action (1995), the outcome document of the twenty-third special session of the General Assembly (2000), Security Council resolution 1325 (2000) and the Convention on the Elimination of All Forms of Discrimination against Women provide the basis for enhancing attention to the gender dimensions of all aspects covered by peace agreements.

23. Peace agreements typically address issues related to the development or re-establishment of political structures and electoral systems, the constitutional, legal, and judicial systems and, albeit to a somewhat lesser extent, the reconstruction of social and economic structures. Their effectiveness as tools for the participation of women and the promotion of gender equality requires that they cover, from a gender perspective, a range of legal, political, physical, social and economic security aspects of the society in question. Consequently, the actors involved in negotiating such agreements have specific obligations and should take concrete steps to ensure the inclusion of relevant provisions and the use of gender-specific language in such agreements. In this regard, all actors also need to be aware that some issues do not become labelled "women's issues" and others "more important issues". There are gender dimensions to all aspects of the political, economic and social organization of a society, and in this sense, attention to gender equality and women's

participation is required throughout all substantive discussions and operational measures relating to a peace agreement.

24. To that end, gender balance needs to be envisaged for all bodies, institutions and processes to be established, or reviewed in accordance with the agreement. Commitments of accession to international and relevant regional human rights instruments must encompass those that specifically guarantee the rights of women. Peace agreements should provide for a transitional period which should aim to build security and trust and create the potential to promote and ensure equality for women. Provisions related to security and police forces in an agreement need to comply with principles that support gender equality and respond to the rights, needs and concerns of women. Crimes against women must be adequately covered in provisions concerning transitional justice. Peace agreements should provide for a constitutional process that is responsive to the principles of gender equality and the participation of women and also leads to women's full and equal participation in subsequent elections, as voters and candidates for elected office. While physical security and its gender-specific aspects require immediate attention in a transition period, such attention needs to continue and take account of post-conflict threats to women's security, including gender-based violence and violence committed in the private sphere. Peace agreements should also address the legal basis of nationality and citizenship as women's legal status in those regards may be adversely impacted by displacement in conflict.

25. Peace agreements commonly give little attention to economic, social and cultural rights. Denial of these rights contributes to women's economic dependence and lack of empowerment, which in turn limit their participation in public life. As women's vulnerability to social and economic deprivation is deepened further in conflict and post-conflict situations, peace agreements should emphasize the State's obligation to promote women's enjoyment of economic, social and cultural rights and ensure their full and equal participation in the post-conflict society. Mediators and donors have a particular responsibility to support such a gender-sensitive approach to post-conflict socio-economic development. A national socio-economic profile with sex-disaggregated data should be prepared in the framework of peace processes and serve as the basis for the development of socio-economic policies and programmes.

3. Implementation of peace agreements

26. Provisions concerning gender equality and women's participation must be implemented in a comprehensive and sustained manner. Other provisions of the peace agreement must be implemented with full regard to their gender-specific implications. This requires the active involvement of the whole society, and particularly of women and women's groups. Effective consultation between international agencies, the transitional government, regional organizations and local women and women's NGOs should be a key component of all implementation activities.

27. The roles and responsibilities of all actors in peace processes in regard to women's participation and the promotion of gender equality need to be clearly established to ensure accountability. A gender mainstreaming strategy should be part of this process, complemented by targeted efforts to accelerate equality for women and provision of financial and human resources for both types of activities as part of

approved and allocated budgets. A gender-responsive budget audit of implementation needs to be included in mechanisms for monitoring peace agreements and tied to donors conferences. Dissemination of the agreement to enhance local ownership should ensure that women are effectively reached and donors should ensure that women have equal access to the resources of reconstruction and participate equally in national/local rebuilding and reconstruction plans/strategies.

IV. Recommendations for action

28. A focus on the gender dimensions by all actors is essential to ensure that full advantage is taken of the window of opportunity presented by a peace process, the resulting peace agreement and its implementation for the promotion of gender equality and the participation of women. On this premise, the expert group meeting identified the obligations of various actors, at the three stages of a peace process, to enhance attention to gender equality and the participation of women. These include obligations of process, and of mediators and other entities; and obligations with regard to the content of peace agreements, and specifically in regard to women's legal, political, physical, social and economic security in all aspects of community and state reconstruction. The experts also identified obligations with regard to the gender-sensitive implementation of peace agreements. In regard to each of these obligations, specific steps, measures and/or language were identified for use in peace processes, or inclusion in peace agreements to ensure such enhanced attention to gender equality and the participation of women.

29. Furthermore, as a result of the context-specific nature of conflict, actors involved in peace processes vary and can include civilian and military actors from the parties to the conflict, from United Nations entities, regional and subregional organizations, international financial institutions, governmental bodies, international NGOs and humanitarian organizations. In many instances, the Security Council plays a critical role, but peace processes may also be facilitated by regional organizations, a group of countries or by one Government. Mediators or facilitators of peace processes may include special envoys or representatives who derive their mandate from a resolution of the Security Council, from regional or bilateral action, or who have been appointed by the Secretary-General of the United Nations. Departments of the Secretariat, including the Department of Political Affairs and the Department of Peacekeeping Operations, and entities of the United Nations system support the various phases of a peace process, from the pre-negotiation phase to the implementation of an agreement, as do bilateral and multilateral donor and funding entities. All these actors have a responsibility, during the three phases of peace processes, to ensure that women can participate fully and equally in the process itself, but also that gender-specific concerns are explicitly addressed in negotiations, contained in peace agreements and actively pursued in implementation.

30. **The Commission may wish to take note of the recommendations of the expert group meeting[13] in their entirety and call for their systematic use by all actors in peace processes.**

31. **The Commission may, alternatively, wish to consider the actions below, which are drawn from the recommendations of the expert group meeting, to strengthen the use of peace agreements as tools for the promotion of gender**

equality and the participation of women. It may furthermore wish to invite the different actors, in particular, the Security Council, the Special Committee on Peacekeeping Operations, heads of United Nations departments, peacekeeping missions and mediators working under mandates of the Security Council, to use the recommendations below as a guide for action in all peace processes.

A. Peace processes

32. **Steps and measures to be taken by all mediators of peace processes, irrespective of whether they derive their mandate from an international, regional or bilateral mandate, and including Special Envoys and Special Representatives of the Secretary-General, with the active support of regional and international stakeholders:**

(a) **Acquire and use the following:**

Overview of the conflict which incorporates gender-specific data and briefings on the experiences of women in the conflict;

Data on the gender composition of all parties involved in negotiations, especially at the leadership level;

Compilation of existing civil society groups and networks, including regional networks, from a cross-section of society;

All international and relevant regional legal and policy instruments pertaining to the promotion of gender equality and women's participation;

(b) **Ensure that the composition of the mediator's team is gender-balanced, that it includes from the start a senior gender adviser and that all team members have general knowledge of the gender perspectives in regard to the conflict in question;**

(c) **Initiate and conduct training/briefings for the mediation team and other national and international stakeholders on the provisions of international legal and policy instruments that address gender dimensions of armed conflict and of peace processes;**

(d) **Ensure the development and implementation of a plan of action to promote gender equality and women's equal and effective participation in the negotiation process, and regularly review and improve the process to ensure compliance with the plan and its effectiveness;**

(e) **Invite all parties to the negotiations to include women with decision-making power in their teams, and ensure that a significant number of representatives of independent women's civil society organizations, duly elected in transparent processes, are a party to the negotiations.**

33. **Steps and measures to be taken by the parties to the conflict, such as warring factions, rebel forces and government forces:**

(a) **Participate in training/briefings organized by the mediator on the provisions of international legal and policy instruments that address gender dimensions of armed conflict and of peace processes, in particular those of the**

Beijing Platform for Action (1995), the outcome document of the twenty-third special session of the General Assembly (2000) and Security Council resolution 1325 (2000);

(b) Ensure gender balance in the composition of their delegations in negotiations.

34. **Steps and measures to be taken by bilateral and multilateral funding entities, including United Nations entities, and by regional and international organizations involved in peace processes:**

(a) Provide funding for a senior gender adviser to the mediator, allocate resources for the adviser's activities, and support actions to strengthen the integration of gender perspectives and women's participation in ongoing peace processes;

(b) Request inclusion of initiatives to promote gender equality and women's participation in all projects funded in support of peace processes, and create appropriate accountability mechanisms to ensure implementation of such components;

(c) Create and sustain a dedicated and central fund for capacity-building for women's civil society organizations and the holding of national consultative processes, to create nationwide networks, and to enhance women's effective participation in peace negotiations, organized within the Secretariat departments responsible for peace-building or peacekeeping, from which funds could be allocated for individual peace operations;

(d) Support women's associations to ensure their effective participation in peace negotiations;

(e) Ensure gender balance in the composition of their staff.

B. Peace agreements

35. **All actors working towards the conclusion of a peace agreement — the mediator and her/his team, parties to the conflict that participate in the negotiations, United Nations envoys and entities, including the Department of Political Affairs and the Department of Peacekeeping Operations, international, regional and local organizations that support the negotiations — have a responsibility to ensure that women's rights, concerns and needs are fully addressed in such agreements by including therein concrete measures and/or language that responds to this commitment. In order to ensure that gender equality is actively pursued as one of the goals of peace agreements, they need to ensure the inclusion of the following provisions or measures in such agreements:**

(a) Ratification of, or adherence to all United Nations and applicable regional instruments for the protection and promotion of human rights and fundamental freedoms, in particular those that specifically guarantee the rights of women and girls;

(b) Establishment of a national human rights commission with gender parity among the commissioners, and with a mandate that includes the

promotion of gender equality and women's human rights in accordance with the peace agreement;

(c) Implementation of human rights training, especially on women's human rights, with support from relevant United Nations entities and donors, for public officials and civil society organizations;

(d) The transitional government (whether a national transitional government or international administration) to work under the principles of the rule of law and of international human rights, including the human rights of women;

(e) Adherence to gender balance in appointments to senior government administration and judiciary positions.

36. **To the extent that peace agreements provide for the deployment, during a transitional period, of international/regional peacekeeping forces, those negotiating the agreement, and in particular the mediator and the parties to the conflict, need to ensure that the agreement contains the following priority actions and calls for related compliance by peacekeeping forces:**

(a) Request that all troop-contributing States: recruit and hire a minimum of 30 per cent women, including in higher-level positions, for deployment; have and comply with a code of conduct that has a significant gender component and implement training in human rights, gender equality and the code of conduct before deployment; have accountability mechanisms for violations of the code of conduct/human rights of women and report to a designated monitoring body with respect to action taken in response to such violations;

(b) Include a gender unit within the headquarters of the military operation to monitor and report on compliance with the gender-specific components of the force's code of conduct, provide training on mission-specific gender issues, and work with troop-contributing countries to ensure accountability for violations of women's human rights;

(c) Mandate the gender unit to audit the physical public spaces where women require protection/access, such as schools and refugee camps, as well as areas requiring mine clearance to assess particular risks faced by women, and implement related recommendations.

37. **Peace agreements also need to contain provisions to enhance gender-sensitive action by security forces. To that end, all those negotiating the peace agreement, and in particular the mediator and the parties to the conflict, need to ensure that the peace agreement calls for priority action and compliance by security forces with the following:**

(a) Provide ongoing protection and security for women and girls under threat of physical violence and ensure their freedom of movement and participation in social, political and economic activities;

(b) Ensure safe passage for the return of internally displaced or refugee women;

(c) Complete without delay mine clearance, including of areas predominantly used by women, such as health clinics, schools and agricultural land;

(d) Ensure that disarmament programmes address the different needs of female and male members of fighting forces and their dependants, secure stockpiles of collected arms/munitions away from areas utilized by women, and establish freedom of movement for women and girls;

(e) Make provisions for the reintegration of demobilized troops, taking into account the special needs of families, widows and widowers of soldiers, child soldiers and male and female members of fighting forces;

(f) Address the situation of women with children born as a result of rape or sexual slavery during conflict, and undertake awareness-raising initiatives to prevent their social ostracization.

38. **Peace agreements need to contain provisions for reconstituting national security/armed forces with due attention to the concerns and needs of women. To that end, all those negotiating the agreement, and in particular the mediator and the parties to the conflict, need to ensure that the peace agreement calls for priority action and compliance by such forces with the following:**

(a) Ensure respect for and compliance with international law and human rights law, including women's human rights, and adherence to a gender-sensitive code of conduct;

(b) Develop and utilize effective screening procedures to exclude from service those with prior history of human rights abuses and violence against women, including domestic violence;

(c) Address the protection needs of women when establishing territorial and border security.

39. **All those negotiating peace agreements, and in particular the mediator and the parties to the conflict, need to ensure that, to the extent that peace agreements provide for the deployment of international civilian police forces, provisions are also included that call for priority action and compliance by such international civilian police forces with the following:**

(a) Ensure due regard to gender balance in the composition of the force;

(b) Ensure induction training on codes of conduct, as well as gender sensitivity and awareness, especially concerning domestic violence, trafficking in women and girls, and sexual violence;

(c) Provide security to ensure freedom of movement for women and girls.

40. **All those negotiating peace agreements, and in particular the mediator and the parties to the conflict, need to ensure that provisions contained in agreements for the (re)construction of a national police force call for priority action and compliance with the following:**

(a) Give due regard to gender balance in the composition of the force, and ensure that women police officers are assigned to all levels of active duty;

(b) Exclude from service those with prior history of human rights abuses and violence against women, including domestic violence;

(c) Provide training on human rights issues and gender-based violence, including domestic violence, by drawing upon the expertise of women's NGOs;

(d) Establish, as soon as feasible, gender units in police posts staffed by gender-balanced teams;

(e) Establish a police academy for the creation of a professional police force and include in its curriculum modules on human rights and gender equality; give due regard to gender balance in the appointment of the teaching staff, and implement concrete measures to recruit women into the police force at all levels and in all occupational areas.

41. **All those negotiating peace agreements, and in particular the mediator and the parties to the conflict, need to ensure that peace agreements contain provisions on transitional justice that call for priority action and compliance with the following:**

(a) No amnesty is to be granted to perpetrators of genocide, crimes against humanity or war crimes, especially those relating to violations committed against women and girls;

(b) Incorporate the definitions of international humanitarian law and human rights law pertaining to such crimes from relevant international instruments and jurisprudence, including those related to victims and witness protection, into domestic law;

(c) Establish an appropriate national reconciliation mechanism with due regard to gender balance in its composition and with a mandate to address violations of human rights and humanitarian law suffered by women and gender-specific crimes, without distinction between the parties to the conflict, and to recommend measures for the rehabilitation of women victims.

42. **All those negotiating peace agreements, and in particular the mediator and the parties to the conflict, need to ensure that peace agreements contain provisions for the conduct of elections and, without establishing a rigid time frame, call for priority action and compliance with the following:**

(a) All women and men over 18 years of age shall have the right to vote and shall have separate voter identification cards;

(b) Establishment, by the transitional government, of an independent and neutral national electoral commission that includes an equal number of women and men and whose membership and mandate is the result of consultations with civil society groups, including women's organizations;

(c) Organization, by the national electoral commission, of voter education and registration programmes that are readily available and accessible, as well as appropriate, to all women voters, and where necessary provided for women alone; provision of security by international and/or national security/police forces to ensure women's attendance in such programmes;

(d) **Application, by political parties, of the principles of democracy and good governance, including commitment to women's full and equal participation and the promotion of gender equality.**

43. **All those negotiating peace agreements, and in particular the mediator and the parties to the conflict, need to ensure that a peace agreement stipulates the process for the drafting and adoption of a constitution, along the following lines:**

Establish a constitutional commission, comprising equal numbers of women and men, which will make proposals for a constitution following extensive and well-publicized consultations with women and men to hear their priorities and views.

44. **All those negotiating peace agreements, and in particular the mediator and the parties to the conflict, need to ensure that peace agreements stipulate the following principles and requirements for inclusion in the future constitution:**

(a) **That the Constitution is the supreme law of the land, prohibits discrimination on the basis of sex in accordance with article 1 of the Convention on the Elimination of All Forms of Discrimination against Women, guarantees the equality of women and men, and explicitly states that the gender equality clause overrides conflicting legislation and customary law;**

(b) **That international and relevant regional human rights instruments that specifically guarantee the rights of women and girls will form an integral part of the Constitution and will be directly applicable within the State, including the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;**

(c) **That all branches of government will take relevant measures — such as legislation, executive directives and administrative rules and regulations — to ensure women's equal access to and full participation in power structures and decision-making;**

(d) **That the judiciary will be independent, impartial and gender-balanced, and that judiciary training will be provided on international and regional human rights, including women's rights instruments.**

45. **All those negotiating peace agreements, and in particular the mediator and the parties to the conflict, must ensure that peace agreements contain guarantees for the physical security of women during the transitional period and beyond, and provide for:**

(a) **Consultations with women and women's groups on effective measures to address women's security concerns in the public and private sphere;**

(b) **The adoption and implementation of comprehensive legislation on domestic violence; the elimination of trafficking and exploitation of women; the prohibition of early and forced marriages and other harmful practices which**

violate the human rights of women; as well as the prosecution and punishment of perpetrators;

(c) Measures to secure the release and return of captive wives;

(d) Demilitarization of the society and measures to eliminate small arms.

46. **Peace agreements need to recognize women's increased vulnerability and marginalization during conflict and its aftermath and address the gender dimensions of social upheaval, poverty, loss of infrastructure, social and economic disruption and insecurity caused by conflict. All those negotiating peace agreements, and in particular the mediator and the parties to the conflict, must consequently ensure that such agreements provide for and give explicit attention to:**

(a) Preparation of a national socio-economic profile with data disaggregated by sex and gender-specific information as basis for all reconstruction planning and financing;

(b) Provision of adequate health services for women, including reproductive and sexual health; mental and psychosocial health services, such as counselling for victims of sexual slavery, rape, sexual exploitation and trafficking; and prevention, treatment and care for women affected by HIV/AIDS;

(c) Provision of free and compulsory universal primary and secondary education for all children, with equal standards of education for girls and boys, and accelerated access to education for women and girls to reduce their higher rates of illiteracy;

(d) Appraisal of existing curricula to eliminate materials that present discriminatory or stereotyped views of women, and development of unified and gender-sensitive national educational curricula;

(e) Provision of special education and skills training for women and girls whose education was interrupted by conflict;

(f) Introduction of human rights education at all levels of schooling with a clear focus on gender equality;

(g) Recognition and acceptance of education attained outside of the country and in refugee camps;

(h) Securing of access to land for female-headed households and widows and guaranteeing rights to land and property for female returnees;

(i) Repeal of laws that discriminate against women with regard to inheritance and ownership of land and property, and guaranteeing women the right to inherit, including their deceased husband's land and property;

(j) Provision of non-discrimination on the basis of sex in land allocation and land reform schemes;

(k) Provision of adequate, accessible, affordable and appropriate shelter and housing for women, and protection of women and their families from forced eviction;

(l) Measures to ensure women's equal right to participate in, and benefit fully from, economic development, protection from economic exploitation and forced labour, establishment of equal and fair hiring and employment practices, safe working conditions and social security benefits, and of the right of women not to be barred from certain types of work by reserving it for returning male war veterans;

(m) Measures to rehabilitate women's livelihood and income-generating activities;

(n) Measures to ensure women's right to nationality and citizenship so as to protect their right to return and to claim property, as well as to confer nationality to their children born in transit, in refugee camps, to children of non-citizen or unknown fathers, and to unregistered children born during conflict.

C. Implementation of peace agreements

47. All actors in peace processes at the national level — civilian and military, including staff of peacekeeping operations deployed under a mandate of the Security Council and heads of United Nations departments and of United Nations missions, United Nations entities, funds and programmes, regional and subregional organizations, international financial institutions, governmental bodies, international NGOs and humanitarian organizations — have a responsibility to ensure the gender-sensitive implementation of agreements. Particular attention needs to be given to the legal obligations contained in a peace agreement so as to achieve its gender-sensitive implementation. In addition, implementation and compliance require priority actions for:

(a) Creation of monitoring and accountability structures to ensure the gender-sensitive implementation of all aspects of the peace agreement;

(b) Creation of free and secure spaces for women to meet, of safe and affordable transportation, and of protection and promotion of freedom of speech and mobility for women;

(c) Measures to ensure the translation into local language(s), in a popularized version, and effective dissemination of the peace agreement to the population so as to promote local ownership and facilitate discussion of the agreement, with particular emphasis upon effectively reaching women;

(d) Steps to engage provincial and local government to secure full recognition and implementation of the peace agreement and its gender dimensions;

(e) Adoption of special measures for women to ensure their full and equal participation at all levels of policy and decision-making;

(f) Reform of the public service sector to ensure: women's equal participation in public service, including through the use of special measures; training for women; appointment of women to high-level positions; institutionalization of gender-sensitive criteria of merit in all decisions on hiring, promotion and appointments; and appointment of gender experts in line ministries and public bodies;

(g) **Presentation of women candidates for elected positions in local, regional and national elections;**

(h) **Provision of resources and support for women candidates for leadership training and capacity-building, including by bilateral/multilateral donors and NGOs;**

(i) **Inclusion, in legislation or terms of reference governing electoral funds, of explicit provisions to ensure women's full and equal access to such resources;**

(j) **Provision of sufficient resources to cover and sustain a ministry of women's affairs/gender equality and development, an ombudsperson's office and gender units/focal points within all national ministries.**

48. **Monitoring, accountability and reporting obligations by all actors on the implementation of a peace agreement, and in particular those mandated to report to the United Nations Security Council; need to account for their contribution to the promotion of gender equality and the participation of women; and the steps taken to implement the gender dimensions of the agreement. Implementation and compliance require priority actions and the need to provide for:**

(a) **Measures to ensure coordination among all stakeholders involved in peace operations, including women's organizations, to address gender equality issues;**

(b) **Measures to ensure the accountability of all forces deployed under the agreement for adherence to the gender equality directives of the code of conduct, including sanctions in cases of violations;**

(c) **Collection of sex-disaggregated and gender-specific data in relation to all their activities and the systematic utilization of such information when reporting, especially to the Security Council, on the differential impact on women and men of the implementation process;**

(d) **Requirements to monitor and report on gender issues in peacekeeping, including on all forms of violence against women and girls and trafficking, as an integral part of mission reporting, and on corrective measures taken.**

49. **Women's access to and participation in peace agreement implementation processes requires, by the transitional government with the support of other actors involved in implementation, that compliance is sought and priority attention is given towards:**

(a) **Creation of a broad-based national women's rights commission to promote gender equality and monitor women's participation in the implementation of the peace agreement, with access to all high-level officials of the transitional government and the peacekeeping operations, to prevent the violation or marginalization of women's rights at all stages of implementation and recommend remedial action by relevant actors for any violations of, or shortcomings in, the implementation;**

(b) Identification of any security problems women and women's organizations may face in participating in the work of the commission, with a requirement for responsible officials to remedy such problems;

(c) Collection of sex-disaggregated data, conduct of gender audits, including gender budget audits, public issuance of findings, including to the media;

(d) Creation of an environment that allows women's organizations to lobby decision makers on the protection and promotion of all the human rights of women as articulated in the peace agreement;

(e) Creation of a cooperation/coordination body with peacekeeping forces, whether serving under the auspices of the United Nations or any other arrangement, to assess gender mainstreaming in the implementation of the peace agreement, and consultation with women's organizations on such implementation.

Notes

[1] www.un.org/womenwatch/daw/egm/peace2003/index.html.

[2] *Women, Peace and Security: Study submitted by the Secretary-General pursuant to Security Council resolution 1325 (2000)* (United Nations publication, Sales No. 03.IV.1). Report of the Secretary-General on women, peace and security, S/2002/1154.

[3] For an overview of United Nations initiatives, see *Women, Peace and Security*, op. cit., paras. 16-35.

[4] A/55/138-S/2000/693, annexes I and II.

[5] The analysis in this section is drawn from the report of the expert group meeting held in Ottawa, November 2003 (see para. 2 and note 1).

[6] See *Women, Peace and Security*, op. cit., para. 10.

[7] Lois Lewis Bruthus, case study on Liberia, paper presented at the expert group meeting held in Ottawa, November 2003 (see para. 2 and note 1).

[8] Christine Chinkin, background paper presented at the expert group meeting held in Ottawa, November 2003 (see para. 2 and note 1), as well as experts' papers.

[9] See Chinkin, background paper, op. cit.

[10] For example, in the peace agreement between the Government of Sierra Leone and the Revolutionary United Front, 1999 (Lomé Agreement), discussed by Isha Dyfan, case study presented at the expert group meeting held in Ottawa, November 2003 (see para. 2 and note 1).

[11] Comprehensive Peace Agreement for Liberia, August 2003, discussed by Christine Chinkin, background paper, op. cit.

[12] Kerstin Grebäck and Eva Zillén, case study on the Dayton Peace Accords presented at the expert group meeting held in Ottawa, November 2003 (see para. 2 and note 1).

[13] See note 1.

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Communications concerning the status of women

Future work of the Working Group on Communications on the Status of Women

Report of the Secretary-General

Summary

Pursuant to decision 47/102 of the Commission on the Status of Women, the present report is based, inter alia, on preliminary discussions held at the forty-seventh session of the Commission and written views of Member States on the future work of the Working Group on Communications on the Status of Women. The report raises issues relating to the functioning of the Working Group and the communications procedure in general, and makes recommendations for the Commission on the Status of Women to consider in this regard.

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I. Introduction

1. By its decision 47/102, entitled "Communications concerning the status of women", adopted at its forty-seventh session, the Commission on the Status of Women decided to continue, at its forty-eighth session, consideration of the future work of the Working Group on Communications on the Status of Women. It requested the Secretary-General to prepare a report for this purpose, bearing in mind the preliminary discussion that had taken place at the forty-seventh session of the Commission and seeking the written views of Member States in this regard.[1] The present report is submitted pursuant to that decision.

II. Background

2. Economic and Social Council resolution 76 (V) of 5 August 1947, as amended by Economic and Social Council resolution 304 I (XI) of 14 and 17 July 1950, forms the basis for the current communications procedure of the Commission on the Status of Women. The Economic and Social Council has subsequently reaffirmed the mandate of the Commission on the Status of Women in respect of communications concerning the status of women in its resolutions 1983/27 of 26 May 1983, 1992/19 of 30 July 1992, 1993/11 of 27 July 1993 and decision 2002/235 of 24 July 2002.

3. In resolution 1983/27, the Economic and Social Council authorized the Commission on the Status of Women to appoint a working group of not more than five of its members, selected with due regard for geographical distribution, to meet in closed meeting during each of the Commission's sessions, and set down its role as follows:

(a) Consideration in closed meetings of all communications (including the replies of Governments), with a view to bringing to the Commission's attention those that appear to reveal a consistent pattern of reliably attested injustice and discriminatory practices against women (resolution 1983/27, para. 4 (a));

(b) Preparation of a report that will indicate the categories in which communications are most frequently submitted to the Commission (resolution 1983/27, para. 4 (b)).

4. The Commission on the Status of Women was requested to examine the report submitted to it by the Working Group and to avoid duplication of the work undertaken by other organs of the Economic and Social Council. It may make recommendations to the Economic and Social Council on action the Council may wish to take in relation to the emerging trends and patterns of communications (resolution 1983/27, para. 5). It is not empowered to take other action. For most of the years since the establishment of the Working Group in 1984, the Commission has included the report of the Working Group, in full or in summarized form, in the annual session report of the Commission.[2]

5. By its decision 2002/235, the Economic and Social Council introduced the following changes to the communications procedure of the Commission on the Status of Women to make it more effective and efficient. Firstly, the Working Group on Communications on the Status of Women is to meet prior to the forty-eighth session of the Commission on the Status of Women, rather than during the session, to enable the secretariat to issue the report of the Working Group three working days

before the adoption of the agenda by the Commission. In order for the decision to be implemented as intended, the Commission should appoint, at each session, the five members of the Working Group for the next session, starting from the close of the forty-seventh session of the Commission. Secondly, the Secretary-General was requested to inform all Governments about each communication referring to them that will be included in the confidential lists that the Commission and its Working Group receive at least 12 weeks before the consideration of such communications by the Working Group, in order to give Governments sufficient time to reply to the allegations made therein. Thirdly, the Secretary-General was requested to ensure that the members of the Working Group receive the confidential material in advance, including the replies from Governments, if any, to be taken into account in preparing its report for examination by the Commission. The Secretary-General was also requested to publicize further the communications procedure.

III. Preliminary discussion at the forty-seventh session of the Commission on the Status of Women

6. During the 13th meeting, on 13 March 2003, of the Commission on the Status of Women at its forty-seventh session, a preliminary exchange of views was held on the communications procedure as proposed by the Chairperson of the Commission. He had been prompted by concerns expressed informally to him with regard to the communications procedure of the Commission and the future work of its Working Group. Delegations addressed procedural issues surrounding the debate and substantive issues concerning the mandate and working methods of the Working Group. Several delegations would have preferred that the Commission not hold such a preliminary exchange on the future work of the Working Group on Communications until the forty-eighth session in 2004, in order to be able to discuss the issue in a more organized and thorough manner.

7. Many delegations highlighted the importance of the communications procedure. However, some felt that the procedure had experienced significant difficulties and did not meet the ultimate goal of a communications procedure, namely, to propose solutions to specific situations of women, in order to live up to the expectations of authors that a remedy would be provided in cases of injustice or discrimination against women.

8. Some delegations were of the view that the preliminary discussion lacked a clear focus. One representative considered that the thrust of the issue was whether the Commission on the Status of Women should continue to deal with information from the confidential 1503 procedure, when this practice lacked a legal basis and distracted the Commission from its work. Another delegation added that this issue had several dimensions, namely the overlap with the work of other intergovernmental bodies; confidentiality of information; and optimal usage of available resources. One delegation suggested that the respective mandates of the Working Group and the Commission, as laid down in Council resolutions, should be the parameter for any discussion.

9. At the 13th meeting, on 13 March, Argentina, also on behalf of Chile, Croatia and the Netherlands, introduced draft resolution E/CN.6/2003/L.8, in which the Secretary-General was requested to prepare a report on the various types of existing machinery, communications mechanisms and procedures within the United Nations

system that dealt with the status of women and would analyse the number, type, subject matter and source of communications received, give an explanation of the mandate, power and authority and scope of each mechanism and identify the type of communications that could not be addressed by existing mechanisms. The report should also cover the issue of channelling communications received by the Division for the Advancement of Women of the Department of Economic and Social Affairs to other United Nations mechanisms and procedures capable of addressing these communications effectively. While several subsequent speakers welcomed or were not opposed to such a report, others preferred to wait until the next session before possibly requesting a report of the Secretary-General.

10. At the 14th meeting, on 14 March, the Commission had before it amendments to E/CN.6/2003/L.8, which had been submitted by Egypt, also on behalf of China, Cuba, India, Indonesia, the Islamic Republic of Iran, Nigeria, Pakistan, Saudi Arabia and the Sudan (E/CN.6/2003/L.9), and which, inter alia, would delete the request for a report. Both E/CN.6/2003/L.8 and E/CN.6/2003/L.9 were withdrawn after the adoption of Commission decision 47/102.

IV. Written views submitted by Member States

11. As at 12 December 2003, replies had been received from 12 Governments.[3]

12. Argentina reiterated its support for the continued transmission of the full texts of confidential and non-confidential communications from the Commission on Human Rights to the Commission on the Status of Women. It had traditionally favoured the unrestricted circulation of communications among organs of the United Nations system.

13. Argentina favoured diversifying and increasing the sources of information available to the Working Group. In order to enable the Working Group to fulfil its mandate to identify general trends and formulate policies and strategies that contributed to the advancement of women, Argentina considered that it would be useful for the Working Group to receive relevant information from the human rights special mechanisms and treaty monitoring bodies concerning violations of women's human rights.

14. Burkina Faso wished to be informed of the experience gained over the past five years with regard to the communication mechanisms in the United Nations system in dealing with violations of the fundamental rights of women. In particular, Burkina Faso thought that it would be useful if the mandates, powers and functions were specified so that the Commission could explore the means by which communications could be transmitted to other mechanisms for effective follow-up.

15. Burkina Faso was of the view that the Commission should focus on the follow-up to and the implementation of the Beijing Platform for Action and the outcome of the twenty-third special session of the General Assembly and on improving the study of the situation of women in the world. It hoped that communications would be used as sources of information to record trends and practices regarding the violation of the fundamental rights of women to assist the Commission in formulating policies and strategies for the advancement of women and believed that the objectives of the procedure needed to be widely disseminated in view of the fact

that individuals and non-governmental organizations appeared to disregard or not understand them.

16. Canada pointed out that, as part of its mandate, the Commission prepared recommendations and reports to the Economic and Social Council on promoting women's rights in the political, economic, civil, social and educational fields. The Commission also made recommendations to the Council on urgent problems and emerging trends in the field of women's rights requiring immediate attention. The communications procedure was intended to contribute to the ability of the Commission on the Status of Women to make recommendations on policy to the Economic and Social Council.

17. Canada stated that the Secretary-General was clearly mandated to submit to the Commission on the Status of Women at each session a report on confidential and non-confidential communications on the status of women, as well as a list of communications received by the specialized agencies, regional commissions and other United Nations bodies, together with information on action that may have been taken following the receipt of such communications. The Secretary-General was also requested to ensure proper coordination of the activities of the Commission on the Status of Women in this area, as well as those of the other bodies of the Council.

18. Canada believed that the review of the future work of the Working Group should be founded on a consideration of the mandate of the Commission on the Status of Women and, specifically, should ensure that the communication procedure was able to fulfil its designated role in achieving this mandate. In addition, options for reform of the communication procedure of the Commission on the Status of Women should be examined from a perspective based on the following concerns: (a) any modifications should lead to an improvement in the promotion and protection of women's human rights and the elimination of gender discrimination; (b) the review should promote more effective use of information derived from this process to identify key trends and emerging issues related to women's human rights and gender equality and lead to the development of concrete actions to address these situations; (c) the review should promote more effective use of the procedure and of the specialized expertise of the Commission on the Status of Women to address individual communications on which no action was being taken by another body; and (d) efforts to raise awareness of the Commission on the Status of Women communications procedure should be enhanced.

19. Canada stated that it was clear from the mandate that the Commission on the Status of Women was to receive lists of all communications submitted to the United Nations relating to the status of women. The Secretary-General was requested to ensure coordination between the bodies of the Economic and Social Council by providing information on the actions other bodies took to respond to communications. Consideration of a communication under the Commission on the Status of Women procedure did not result in duplication even where a communication was being considered by another body, because the Commission on the Status of Women considered communications for different purposes than other bodies and was not empowered to provide a remedy for violations of human rights, as other bodies may be. Therefore, no duplication in consideration of individual communications should arise. This was why the Economic and Social Council had mandated the Secretary-General to provide lists of all communications relating to the status of women to the Commission on the Status of Women.

20. In addition, Canada identified two issues that needed to be addressed. The first was the advantage of providing more communications relating to the status of women to the Commission on the Status of Women for the identification of emerging trends and patterns. In this regard, efforts to raise awareness about the communications procedure of the Commission on the Status of Women should be enhanced to encourage the submission of more communications. In addition, the Secretariat should ensure that the Commission on the Status of Women was provided with lists of all relevant communications submitted to other United Nations bodies, as mandated by the Economic and Social Council. The procedure should ensure effective use of the information produced by the Working Group to enhance the ability of the Commission on the Status of Women to develop and recommend policy advice to promote women's human rights and gender equality. Although the Commission on the Status of Women was mandated to make recommendations to the Economic and Social Council with respect to the report of the Working Group on Communications, this had rarely been manifested in practice. Canada favoured giving the Working Group the mandate to make recommendations regarding emerging trends and patterns to the Commission on the Status of Women for action, rather than to the Economic and Social Council. The Working Group should be mandated to make recommendations on country-specific and thematic issues of concern to women's human rights and gender equality. Examples of such action could include a proposal that the Secretariat or an independent body, such as a special rapporteur, further examine an issue or trend identified in the report of the Working Group and make recommendations for the Commission on the Status of Women to consider. In particular, special rapporteurs could prove useful in conducting further examinations of issues where the available information was insufficient and where further investigation might be warranted to identify a consistent pattern of reliably attested violations. Any mechanism should have a clearly articulated mandate and should avoid duplication or overlap with other parts of the United Nations system.

21. The other issue identified by Canada as warranting attention was the fact that the procedure of the Commission on the Status of Women was ineffective in providing a remedy. This applied in cases where the Commission on the Status of Women was the only body that was considering a particular communication relating to the status of women or when no action was being taken by another body. The report of the Secretary-General (E/CN.6/2001/12) acknowledged that a significant number of communications involved individual grievances and explained that the current procedure failed to meet public expectations that it could adequately respond to or redress such grievances.

22. Canada supported expanding the mandate of the Commission on the Status of Women to provide, in addition to its other mandates, a mechanism for the consideration of individual communications relating to the status of women or gender discrimination that appeared to reveal a gross and reliably attested violation of human rights and which had not been considered by other bodies. While the primary criteria for consideration of a communication should be gender discrimination, the compounding and intersecting effects of other factors, such as race, culture and ethnicity, also had to be recognized. The intersection of these factors should be taken into account in the analysis of any communication considered by the Working Group. While the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women established an

individual complaints mechanism, it was limited in application to States parties. The existing Working Group and procedure could fulfil this additional mandate, with the authority to provide non-binding recommendations to the Commission on the Status of Women for action. In order to avoid duplication, the Secretariat would be empowered to forward for consideration under this mandate only communications that had not been considered by other bodies. The Secretariat would also be empowered to allocate communications to the most appropriate body and only communications relevant to the mandate of the Commission on the Status of Women would be provided to it. Communications primarily involving a violation of human rights, which would normally be dealt with by another special mechanism with relevant expertise, such as on torture, would continue to be considered by that mechanism (e.g. the Special Rapporteur of the Commission on Human Rights on the question of torture). Such a communication would only be provided to the Commission on the Status of Women, as was the current practice, for the purposes of identifying emerging trends and patterns and making general recommendations, and not for the purpose of providing an individual remedy.

23. China stated that the current priorities of the Commission should be the continued promotion of the implementation by all States of the Beijing Declaration and Platform for Action,[4] as well as of the outcome of the twenty-third special session of the General Assembly,[5] and the enhancement of research into women's status and development trends. As a key organ of the United Nations system for the consideration of women's issues, the Commission on the Status of Women should concentrate its efforts on major issues related to the advancement of women.

24. To China, the Commission's mechanism for the consideration of communications stood as a crucial component of its work, the purpose of which was to serve as a channel through which the Commission learned about issues and trends in the global women's movement, and to provide a reservoir of information for the Commission to draw upon in the development of relevant development policies and strategies. Such a mechanism must function in conformity with the overall objectives of the Commission, while relevant communications should continue to be considered in accordance with the Commission's mandate as defined by the Economic and Social Council. In the future, this mechanism should seek to avoid duplicating the work carried out by other United Nations bodies, improve its efficiency and emphasize objectivity, so as to do a better job in terms of providing information for the Commission's reference in decision-making.

25. The United Nations was currently in the process of reform, with a view to improving efficiency and reducing expenditure. China felt that the Working Group should adopt the same objectives for its own reform. To this end, it should tap into the resources and potentials of existing mechanisms, emphasize results and avoid duplication. It should endeavour to update the mechanism for the consideration of communications in accordance with the goals of the Commission and the relevant principles of the General Assembly and do its utmost to prevent politicization and confrontational practices.

26. Egypt stated that efforts should be concentrated on improving the Working Group's methods so as to stop the practice of referring complaints to it under the confidential 1503 procedure, as this was not based on any legal provision.

27. Egypt considered there should be no expansion of the mandate of the Working Group. The communications procedure provided a source of information for

monitoring the pattern of violations in various regions of the world without referring explicitly to States. The Working Group should be granted additional time to examine the complaints submitted before the opening of the annual session of the Commission on the Status of Women.

28. Egypt considered that efforts should be concentrated on improving the working methods of the Division for the Advancement of Women, with a view to raising awareness of its activities as a body receiving complaints relating to women, instead of receiving complaints that had already been submitted and processed within the framework of other mechanisms. Efforts should be made to ensure the full utilization of available resources and optimal use of existing mechanisms and to promote further coordination between the Commission on the Status of Women and the Office of the United Nations High Commissioner for Human Rights, in order to avoid duplication, inconsistency and additional costs.

29. Jamaica and Lebanon supported the decision to continue consideration of the future work of the Working Group.

30. For the purpose of considering the future of the Working Group of the Commission on the Status of Women, Malaysia stated that it had studied the last 10 reports of the Working Group as a reference.

31. What was most obvious to Malaysia was that the Working Group did not or had not been able to fulfil its mandate, as contained in operative paragraph 4 (a) of Economic and Social Council resolution 1983/27, in that it had not brought to the attention of the Commission on the Status of Women any communication which revealed a consistent pattern of reliably attested injustice and discriminatory practices against women. The Working Group had limited itself to fulfilling its second function — to prepare a report indicating categories of communications most frequently received by the Commission on the Status of Women. With the exception of the report of the forty-seventh session of the Commission on the Status of Women, Malaysia noticed that reports "took note of" or "expressed concern" about the various communications received by the Commission on the Status of Women, rather than indicate the clear categories in which communications were received.

32. Malaysia thought that one possible reason the Working Group had not been able to fulfil its mandate was that the Commission on the Status of Women had not received any communications that fulfilled the admissibility criteria of revealing a consistent pattern of reliably attested injustice and discriminatory practices against women. In the report of the Working Group to the Commission on the Status of Women at its forty-seventh session (E/CN.6/2003/CRP.6), it was stated that, due to the limited number of communications received, it had not been possible to assess whether a consistent pattern of reliably attested injustice and discriminatory practices against women existed.

33. Malaysia identified a number of weaknesses in the communications procedure. First, any report of the Working Group could do no more than indicate categories of allegations, as the Commission on the Status of Women had no investigative powers to prove them true or false. In preambular paragraph 2 of its resolution 76 (V), the Economic and Social Council recognized that the Commission on the Status of Women had no power to take any action in regard to any complaints received concerning the status of women. Malaysia thought that indicating categories in which allegations were made and which the Working Group itself was not in a

position to investigate made for limited use, if any. The Commission on the Status of Women was supposed to examine such reports and make recommendations to the Economic and Social Council. Malaysia viewed this as untenable and unacceptable, because recommendations should be based on solid and reliable facts or allegations that had been proven to be true.

34. Malaysia further pointed out that when, 20 years ago, the Economic and Social Council, in resolution 1983/27, recognized the desirability of strengthening the capacity of the Commission on the Status of Women to deal with communications, the volume had increased substantially. Recent figures indicated a downward trend and therefore did not continue to support the contention. Decreasing numbers did not necessarily indicate decreasing numbers of violations. Instead, the decrease might be owing to: (a) a general feeling of frustration due to the ineffectual nature of the procedure, in that it did not provide an avenue for redress; and (b) an increase in the number of mechanisms that fulfilled similar functions in a more effective manner. Aside from the 1503 procedure, the Human Rights Committee, under the Optional Protocol to the Covenant on Civil and Political Rights, the Committee against Torture, under article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Committee on the Elimination of Racial Discrimination, under article 14 of the Convention on the Elimination of All Forms of Racial Discrimination, and the Committee on the Elimination of Discrimination against Women, under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, had communications procedures with the mandate and competence to address individual complaints.

35. Furthermore, Malaysia felt that the time frame given (one year) was insufficient to discern trends (10 years would be tenable and five workable, in order not to be ineffectual and inaccurate) and that the members of the Working Group, who were appointed at each session of the Commission on the Status of Women, lost an element of continuity. Such a study, which was academic in nature, could not be satisfactorily carried out by an ad hoc group of experts. It would be better handled by an individual or group appointed specifically for and dedicated to the study of the matter, so that an accurate finding could be made.

36. Malaysia drew attention to operative paragraph 5 of Economic and Social Council resolution 1983/27 in which the Council had requested the Commission on the Status of Women to avoid duplication of work undertaken by other organs of the Economic and Social Council. In that connection, Malaysia pointed out that the 1503 procedure was not limited to either gender and, as such, may include violations of women's human rights. While the mandates of the two procedures varied, the fact remained that the secretariat of the Commission on Human Rights had been transmitting communications with allegations of violations of the human rights of women and girls to the Division for the Advancement of Women (the secretariat of the Commission on the Status of Women) to be given to the Working Group. While Malaysia vehemently objected to such transmittal, which it saw as a violation of the confidential nature of the 1503 procedure, the action of "sharing" itself demonstrated that there was some overlap in the work of the two procedures. Malaysia considered that it would be more useful and more accurate for the Commission on the Status of Women to refer to communications that had been conclusively considered under the 1503 procedure (i.e. where allegations had been proven to be true). Such information could subsequently be used as data in

discerning a trend or pattern in the violation of the human rights of women and girls. The 1503 procedure had extensive and exhaustive procedures for dealing with confidential communications, including strict admissibility criteria. It had investigative powers mandated by the Economic and Social Council and power to take action on those communications. The Working Group of the Commission on the Status of Women did not. The fact that separate bodies considered the same allegations and may have reached different conclusions contravened the most basic legal precept, namely, that a person cannot be tried twice for the same offence. States should not be put in a similar position. Furthermore, Malaysia stated that replies from the 1503 procedure were not shared, which, in turn, led to erroneous conclusions by the Working Group of the Commission on the Status of Women.

37. Malaysia was concerned about the breach of confidentiality that sharing 1503 communications involved and felt that compromising the confidentiality of the 1503 procedure might lead to a deterioration in the cooperation of Member States in both procedures.

38. Malaysia noted that most reports of the Working Group either hinted or specifically stated that the communications procedure of the Commission on the Status of Women was ineffective; some had noted the need to strengthen it. However, were the communications procedure of the Commission on the Status of Women to be strengthened, it would certainly lead to duplication of other procedures, not least the 1503 procedure. Malaysia believed that, not only was such duplication unnecessary and should be avoided, but that there was also the danger that it would lead to the undoing of the mainstreaming of a gender perspective throughout all processes of the United Nations.

39. Malaysia considered that the communications procedure, if ever it had served a purpose, no longer did so effectively and, in this regard, recommended that the Commission on the Status of Women eliminate this aspect of its work. It also recommended that the Economic and Social Council adopt a decision to this effect.

40. The Russian Federation stated that the current practice whereby communications received under the 1503 procedure were transmitted by the Office of the United Nations High Commissioner for Human Rights to the Division for the Advancement of Women at the Secretariat in New York was not provided for in resolutions of the General Assembly, nor of the Economic and Social Council. As a result, the practice had no legal basis. Accordingly, the communications should not be examined by the Working Group on Communications established by the Commission on the Status of Women.

41. Moreover, the Russian Federation felt that the practice of sharing communications caused unwarranted duplication of effort between the Commission on Human Rights and the Commission on the Status of Women and went against paragraph 5 of Economic and Social Council resolution 1983/27, in which the Council had requested the Commission on the Status of Women to examine the report of the working group and to avoid duplication of the work undertaken by other organs of the Economic and Social Council. In addition, it broke the rule that communications should be examined only once by the most appropriate organ or procedure.

42. The Russian Federation considered that, until the General Assembly or the Economic and Social Council had taken an appropriate decision, the practice of

sharing communications should stop, and the Working Group on Communications should only examine communications sent directly to the Commission on the Status of Women.

43. The Sudan stated that the mandate of the Working Group and its methods of work should be maintained in accordance with Economic and Social Council resolution 1983/27, and that it should be confirmed that the purpose of the complaints procedure of the Commission on the Status of Women was fundamentally to provide a source of information for monitoring the pattern of violations in various regions of the world without identifying any State or States in particular, or singling out any form or forms of violations.

44. The Sudan believed that the mandate and methods of work of the Working Group should not be extended and that there should be discussion as to whether it was worth continuing with the complaints procedure of the Commission on the Status of Women, given the existence of the 1503 procedure of the Commission on Human Rights, which was regarded as being more effective and comprehensive.

45. The Sudan wished to underline that there should be no conflict nor duplication in handling complaints involving women, as existed between the Commission on the Status of Women and its Working Group on complaints and other mechanisms. Compliance with the principles of the current procedures of the Commission on the Status of Women should be emphasized, particularly those relating to the review and consideration of the report of the Working Group before it was adopted by the Commission.

46. The Sudan also stated that the working methods of the Division for the Advancement of Women should be improved with respect to the handling of communications and complaints concerning the status of women and the transmittal to the Governments concerned of information relating to such communications and complaints.

47. While Thailand recommended that the future work of the Working Group should avoid duplication of the work of existing United Nations mechanisms, it had no objection to the improvement of the future work of the Working Group.

48. The United Republic of Tanzania recognized the usefulness of the Working Group in identifying trends in the realm of discrimination against women and therefore believed that it had a role to play. The terms of reference and the type of mandate that the Working Group was given needed to be looked at.

V. Issues relating to the work of the Working Group and recommendations

49. The following sections and recommendations raise issues relating to the functioning of the communications procedure of the Commission on the Status of Women, and, in particular, the work of the Working Group on Communications on the Status of Women.

A. Criteria for inclusion of communications in the lists of communications submitted to the Commission on the Status of Women

50. Over the years the issue of which criteria to apply when determining whether or not to process a communication under the communications procedure of the Commission on the Status of Women has been raised. For example, in 1984, the Working Group considered that the issue of separation of families and of persons wishing to marry fell beyond the scope of the procedure, insofar as they did not relate specifically to women only, but rather, applied equally to men and women.[6] In its reports for 1997, 1998 and 1999,[7] the Working Group expressed the opinion that the content of a communication should refer only to women and women's issues that were identified as injustice or discriminatory acts or practices against women. Specific criteria, however, have not been adopted.

51. **The Commission may want to consider elaborating criteria for the selection of communications for its communications procedure that would ensure that communications that clearly fall outside the scope of the procedure would be screened out. The criteria could apply to communications received directly from individuals or organizations, communications from the 1503 procedure's monthly confidential lists of communications, communications received from specialized agencies, regional commissions and other United Nations bodies and possibly from other sources (see para. 55 below). On the selection process itself, see paragraphs 58 and 65 below.**

B. The volume of communications included in the lists of communications submitted to the Commission on the Status of Women

52. During the last session of the Commission on the Status of Women in 2003, the Working Group on Communications on the Status of Women identified the limited number of communications received (22) as an impediment to carrying out its mandate.[8] Similarly, in 1992, the Working Group considered that five communications did not enable it to identify trends that revealed a consistent pattern of reliably attested injustice and discriminatory practices against women.[9]

53. The number of communications submitted to the Commission on the Status of Women in confidential reports since the 1991 report of the Secretary-General (E/CN.6/1991/10) is shown in the table below:

Confidential communications submitted to the Commission on the Status of Women since 1991[a]

Year	*Received by the Division for the Advancement of Women*	*From the "1503" lists*	*Total*
1992	4	1	5
1993	5	21	26
1994	4	18	22
1995	10	25	35
1996	3	16	19
1997	10	41	51
1998	9	27	36
1999	9	83	92
2000	25	44	69
2001	14	22	36
2002	6	17	23
2003	7	15	22
Total	**106**	**330**	**436**

[a] Each number represents an item in the confidential list. However, one item may summarize tens, hundreds or thousands of letters referring to similar situations in various countries (so-called "mass campaigns").

54. **The Commission may want to consider the question of increasing the volume of communications, by expanding the sources of communications, for potential consideration and decision by the Working Group as to which communications and replies thereto should be brought to the attention of the Commission. In addition to currently used sources (see para. 55 below), communications from thematic or country mechanisms of the Commission on Human Rights, communications from human rights treaty bodies or other United Nations bodies could be considered, and communications from specialized agencies and regional commissions could also be again solicited.**

C. Sources of communications received and their selection

55. In the report of the Secretary-General (E/CN.6/1991/10) submitted to the Commission on the Status of Women at its thirty-fifth session in 1991, it was indicated that communications that were submitted to the Commission on the Status of Women under its communications procedure were received from:

(a) Individuals or non-governmental organizations who corresponded directly with the Division for the Advancement of Women;

(b) Monthly confidential lists prepared by the (then) Centre for Human Rights under the 1503 procedure;

(c) Specialized agencies, regional commissions or other United Nations bodies through the Division for the Advancement of Women.[10]

56. Virtually all the communications that the Division has processed for the Commission on the Status of Women since the adoption of Economic and Social Council resolution 1983/27 fall into the first two categories. The last time that any information from the specialized agencies, regional commissions or other United Nations bodies was included in the confidential lists of communications concerning the status of women was in 1994.[11] The submission came from the Centre against Apartheid, which reported on the activities of the Special Committee against Apartheid in observance of the International Day of Solidarity with the Struggle of Women in South Africa on 9 August 1993. The selection of communications for inclusion in the confidential lists is undertaken by the Commission's secretariat, the Division for the Advancement of Women.

57. **The Commission may want to consider specifying the sources from which it wishes to receive communications. The Commission may also wish to specify which mechanisms and bodies should be invited to supply information to the communications procedure, as well as the type of information sought (i.e. public/confidential reports, summaries, Government replies, action taken, etc.).**

58. **The Commission may also want to consider the question of the process for selecting communications for inclusion in the lists of communications, whether the selection should continue to be carried out by the Division for the Advancement of Women, or whether it would be desirable to involve the Working Group or a designated member of the Working Group (see also the recommendation in para. 66).**

59. **The Commission may further want to consider whether those who are designated to select communications should also have the mandate to submit questions to the authors of communications and the Governments concerned to request further information or clarification, as may be necessary.**

1503 material as a source of communications

60. Authorization of the practice of sharing confidential material between the confidential communications procedures of the Commission on the Status of Women and the Commission on Human Rights has been debated in recent years in both Commissions, as well as in the Economic and Social Council. The practice has been in operation since 1949. In accordance with Economic and Social Council resolution 76 (V), the Secretary-General prepared a confidential list of communications concerning the status of women (received by the United Nations from 15 December 1947 to 19 January 1949) for the third session of the Commission on the Status of Women, in which he stated:

> "Communications in this list which also relate to human rights and to the prevention of discrimination and the protection of minorities, have already been included, or will be included, in the lists of communications submitted to the Commission on Human Rights and the Subcommission on the Prevention of Discrimination and Protection of Minorities in accordance with resolutions 75 (V) and 116 A (VI) of the Economic and Social Council."[12]

61. In document E/CN.6/602 dated 8 July 1976, the following description was given of the procedure for handling communications concerning the status of women since the adoption of Council resolution 728 F (XXVIII) of 30 July 1959:

"(a) From all communications alleging violations of human rights, including those concerning the status of women, received by the Secretary-General, which are compiled into lists and presented to the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities in accordance with Council resolution 728 F (XXVIII), the Secretary-General selects those which are concerned with the status of women and prepares two lists for consideration by the Commission on the Status of Women: a non-confidential list containing a brief indication of the substance of communications dealing with principles relating to the promotion of women's rights and a confidential list indicating the substance of other communications concerning the status of women;

"(b) In the Commission on the Status of Women, the practice has been for both lists of communications to be considered together in closed meetings. An ad hoc committee is set up during the session to review these lists, as suggested in Council resolution 76 (V).[6] The criterion applied has been possible violation of the Declaration on the Elimination of Discrimination against Women;

"(c) The Commission on the Status of Women merely takes note of the communications. It has no power to take any action in regard to any complaints."[13]

"[6] This was the practice until the twenty-second session of the Commission."

62. From 1982, a separate category of communications, entitled "A. Confidential communications concerning the violation of women's rights received by the Branch for the Advancement of Women, 1980-1981"[14] appeared systematically in the confidential lists of communications prepared for the Commission on the Status of Women. This suggests that, before 1980, no communications had been submitted to the Commission on the Status of Women without also being submitted to the Commission on Human Rights and the (then) Subcommission on the Prevention of Discrimination and Protection of Minorities. Furthermore, in the Confidential List No. 19 that was prepared for the twenty-eighth session of the Commission on the Status of Women, when referring to the series of documents (confidential lists of communications and replies from Governments) prepared for the 1503 procedure, it was stated:

"These documents, which are published monthly in accordance with paragraph 2 (e) and (f) of resolution 728 F (XXXVIII) and paragraph 4 (a) of resolution 1503 (XLVIII) of the Economic and Social Council, provided the essential source (for the period 1947-1980) for drawing up the confidential lists relating to the status of women."[15]

63. In paragraph 41 of the 2001 report of the Secretary-General (E/CN.6/2001/12) the question was taken up as to whether there was authorization for the 1503 secretariat to share summaries and details of 1503 communications with the Division for the Advancement of Women, to be dealt with under the communications procedure of the Commission, or whether it involved a breach of the confidentiality mandated by the 1503 procedure. That report found that the question was "not free from doubt" (ibid., para. 40) and that "the relationship between the various resolutions is not clear" (ibid., para. 41) and suggested that "the

Commission may wish to recommend that the Council take the opportunity to clarify matters as part of any changes it may make to the procedure of the Commission on the Status of Women" (ibid.).

64. The issue of authorization for the sharing of confidential 1503 material was analysed in a legal opinion. Another view was put forward in footnote 9 of the 2002 report of the Secretary-General (E/CN.6/2002/12), which read:

> "[9] In response to a request for advice on this practice, the Office of Legal Affairs of the United Nations Secretariat indicated that, in its view:
>
> "The practice ... is anticipated by a number of resolutions of the Economic and Social Council. In particular, Economic and Social Council resolution 1983/27, entitled 'Communications concerning the status of women', anticipates that both confidential and non-confidential communications on the status of women will be forwarded to the Commission on the Status of Women from other United Nations bodies. In paragraph 2 of that resolution, the Council requests the Secretary-General to submit to the Commission 'a report on confidential and non-confidential communications on the status of women, which shall include ... communications received by the specialized agencies, regional commissions and other United Nations bodies, together with information on action that may have been taken following the receipt of such communications'.
>
> "Further, in section I, entitled 'Communications concerning the Status of Women', of its resolution 304 (XI) entitled 'Report of the Commission on the Status of Women (fourth session)', the Economic and Social Council decided, inter alia, to amend paragraph (b) of Council resolution 76 (V), which provided the procedure with regard to confidential communications for the Commission on the Status of Women. This was amended so that confidential communications, *however addressed* (emphasis added), might be included in information to be provided to members of the Commission. As such, the current practice of sharing confidential communications between the Commission on Human Rights and the Commission on the Status of Women is not only acceptable but, in light of the above resolutions, to be expected."[16]

65. The most recent development occurred on 24 July 2003, when the Economic and Social Council adopted resolution 2003/58, entitled "Enhancement of the functioning of the Office of the United Nations High Commissioner for Human Rights in regard to the operation of the mechanisms of the Commission on Human Rights", in which the Council decided to postpone any decision on the transmission of communications and their contents between the functional commissions of the Economic and Social Council until the Commission on the Status of Women concluded its consideration of the present report and, in the meantime, to continue with present practice, as set out, notably in its resolution 1983/27 of 26 May 1983. The Council also overrode Commission on Human Rights decision 2003/113 of 25 April 2003. That decision had called for a discontinuation of the practice of transmitting ex officio monthly lists of communications and their contents to other organs and bodies of the United Nations system, regardless of the nature or characteristics of those communications, unless express authorization to this effect had been granted by the Commission and the Economic and Social Council.

66. **The Commission on the Status of Women might want to consider the selection process vis-à-vis 1503 communications. It may be useful to draft criteria for selection (see also para. 50 above), including, for example, whether communications may be selected when they are still under consideration by the Working Group on Communications of the Subcommission, the Working Group on Situations or the Commission on Human Rights. The Commission on**

the Status of Women may also want to consider whether the selection should continue to be carried out by the Division for the Advancement of Women. Other possible options are that the Division make the selection together with a member of the Working Group on Communications on the Status of Women, or that the Working Group on Communications of the Subcommission make the selection of communications and replies to be forwarded to the Commission on the Status of Women and its Working Group on Communications.

D. Continuity: term of membership in the Working Group

67. In 1997, the Working Group recommended two-year terms for its members in order to provide continuity in the review of communications.[17]

68. **The Commission may want to consider extending the term of members of the Working Group on Communications on the Status of Women to two or more years and stagger the nominations to enable them to gain in experience and develop expertise in the procedure. This would also provide a degree of continuity in the consideration of communications.**

Notes

[1] At its substantive session of 2003, the Economic and Social Council, in its decision 2003/237, entitled "Report of the Commission on the Status of Women on its forty-seventh session and provisional agenda for the forty-eighth session of the Commission", took note of the report of the Commission on the Status of Women on its forty-seventh session, which included Commission decision 47/102.

[2] A legal opinion was requested on whether the Commission's decision to include the report of the Working Group in the report of the Commission was within its mandate and whether that decision violated the confidentiality of the procedure. Document E/CN.6/1992/CRP.3 contained the requested opinion. The Office of Legal Affairs was of the view that the Commission was competent to decide to include in its report to the Economic and Social Council the text of the report of the Working Group on Communications on the Status of Women. The relevant portion of the opinion read:

> "7. ... If the Commission were to interpret an Economic and Social Council resolution in a manner not consistent with the intention of the parent organ, the Economic and Social Council would presumably inform the Commission of the proper intent and interpretation. Recent reports of the Commission reveal that for a number of years the Commission has included in its reports to the Economic and Social Council summaries of debates held in the Working Group and, on several occasions, the text of the report adopted by the Working Group. As we understand it, on no occasion did the Economic and Social Council indicate to the Commission that such inclusion of summaries or reports violated the letter or spirit of its resolution 1983/27.
>
> "8. ... The above practice is not objectionable from the legal point of view, given the text of the provision in question. Paragraph 6 of the resolution states that what is to remain confidential is not the reports of the Working Group or its discussions, but rather 'actions envisaged in the implementation of the present resolution'. The actions envisaged in the resolution include the following: a) consideration by the Working Group of all communications with a view to bringing to the attention of the Commission those communications which appear to reveal a consistent pattern of reliably attested injustice and discriminatory practices against women (para. 4 (a)); b) Preparation of a report by the Working Group indicating the categories in which communications are most frequently submitted women (para. 4 (b)); c) Commission recommendations to the Economic and Social

Council, which is then to decide what action may appropriately be taken on the emerging trends and patterns of communications.

"9. The above-mentioned 'actions' relate to emerging trends and patterns of communications and conclusions regarding consistent patterns of reliably attested injustice and discriminatory practices against women; organizational matters or conclusions with regard to the procedure for communications, including those aimed at improving such procedure, are not explicitly deemed 'actions' under the resolution."

[3] Replies were received from Argentina, Burkina Faso, Canada, China, Egypt, Jamaica, Lebanon, Malaysia, the Russian Federation, the Sudan, Thailand and the United Republic of Tanzania.

[4] Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995 (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[5] Resolution S-23/2, annex and resolution S-23/3, annex.

[6] See *Official Records of the Economic and Social Council, 1984, Supplement No. 5* (E/1984/15-E/CN.6/1984/12).

[7] Ibid., *1997, Supplement No. 7* (E/1997/27-E/CN.6/1997/9), ibid., *1998, Supplement No. 7* (E/1998/27-E/CN.6/1998/12) and ibid., *1999, Supplement No. 7* (E/1999/27-E/CN.6/1999/10).

[8] Ibid., *2003, Supplement No. 7* (E/2003/27-E/CN.6/2003/12).

[9] Ibid., *1992, Supplement No. 4* (E/1992/214-E/CN.6/1992/13).

[10] E/CN.6/1991/10, para. 15.

[11] E/CN.6/Communications List No. 28. According to E/CN.6/1991/10 (para. 34) since 1984, the input from the specialized agencies has been negligible.

[12] E/CN.6/CR.2.

[13] E/CN.6/602, para. 10.

[14] E/CN.6/2003/SW/COMM.LIST/20.

[15] E/CN.6/2003/SW/COMM.LIST/19, para. 22.

[16] E/CN.6/2002/12, footnote 9.

[17] E/1997/27-E/CN.6/1997/9.